

UNDT/2017/029, Riecan

UNAT Held or UNDT Pronouncements

The failure to consider the Applicant's e-PAS reports and to address them especially in the context of the disparity between its ratings and those of the Applicant's reporting officers on the same competencies and within the same organization was a serious flaw in the selection process. UNDT was satisfied that the panel met its requirement of asking probing questions, even if the report reflected it as "prompting" rather than "probing." The absence of an ex-officio member on the assessment/interview panel by itself could not vitiate the selection exercise. The Applicant's candidacy for the position of Chief, Development Statistics and Information Branch was not given full and fair consideration.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to recommend him for the position of Chief, development Statistics and Information Branch on Inspira.

Legal Principle(s)

Successful performance ratings shall be considered during the selection process for a staff member for a post at the same level or at a higher level, without prejudice to the Secretary-General's discretionary authority to appoint staff members. Where the e-PAS reports of a staff member are available to an assessment panel in the course of a selection process, the panel has a duty to consider the e-PAS reports and reflect that consideration in its own assessment report. The absence of an ex-officio member on an assessment/interview panel does not, by itself, vitiate a selection exercise.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Applicant was awarded 3-months net base pay as compensation.

Full judgment

[Full judgment](#)

Applicants/Appellants

Riecan

Entity

ESCWA

Case Number(s)

UNDT/NBI/2014/061

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

26 Apr 2017

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Selection decision

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Related Judgments and Orders

2017-UNAT-802