

# UNDT/2018/065, Elzarov

## UNAT Held or UNDT Pronouncements

The Tribunal held that the Respondent had made more than a minimal showing that the decision not to select the Applicant for the position of D-1, Chief of Service, Humanitarian Affairs, was not tainted by improper considerations. The Applicant failed to show that he was denied a fair chance of promotion. Accordingly, the application was dismissed.

## Decision Contested or Judgment/Order Appealed

The Applicant contested UNAMID's decision not to select him for the position of D-1 Chief of Service, Humanitarian Affairs.

## Legal Principle(s)

a) According to staff regulation 4.2, the paramount consideration in the appointment, transfer or promotion of the staff is the necessity of securing the highest standards of efficiency, competence and integrity. Due regard is required to be paid to the importance of recruiting staff on as wide a geographical basis as possible. b) The jurisprudence of the Tribunal underscores that all candidates before an interview panel have the right to full and fair consideration. A candidate challenging the denial to promotion must prove through clear and convincing evidence that the procedure was violated, the members of the panel exhibited bias, irrelevant material was considered or relevant material ignored.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Elzarov

## Entity

UNAMID

## Case Number(s)

UNDT/NBI/2018/028

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

12 Jun 2018

## Duty Judge

Judge Meeran

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

## Applicable Law

### Administrative Instructions

- ST/AI/2016/1

### Staff Regulations

- Regulation 4.2

### UN Charter

- Article 101.3

## Related Judgments and Orders

2018-UNAT-893