

UNDT/2020/079, Ponze-Gonzalez

UNAT Held or UNDT Pronouncements

The Tribunal found that it lacked jurisdiction to review preparatory steps of an administrative decision and rejected the application as not receivable.

Decision Contested or Judgment/Order Appealed

The Applicant was contesting the failure to afford full and fair consideration to his candidacy for the post of P-5 Chief, Operations and Resource Management, advertised under Recruit from Roster exercise number 104637 and abuse of authority in cancelling the RFR in violation of the applicable rules following his unlawful disqualification.

Legal Principle(s)

Applications which challenge the cancellation of a recruitment process are not receivable and must fail. A selection process involves a series of steps or findings which lead to the administrative decision. These steps may be challenged only in the context of an appeal against the outcome of the selection process, but cannot alone be the subject of an appeal to the UNDT. A selection process may only be challenged in the context of an appeal against the outcome of that process and where the selection exercise is cancelled, there is no contestable decision.

Outcome

Dismissed as not receivable

Outcome Extra Text

The Tribunal held that it had no jurisdiction to review preparatory steps of an administrative decision and rejected it.

Full judgment

[Full judgment](#)

Applicants/Appellants

Ponze-Gonzalez

Entity

UNISFA

Case Number(s)

UNDT/NBI/2019/113

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

28 May 2020

Duty Judge

Judge Tibulya

Language of Judgment

English

French

Issuance Type
Judgment
Categories/Subcategories
Administrative decision
Jurisdiction / receivability (UNDT or first instance)
Staff selection (non-selection/non-promotion)
Related Judgments and Orders
2021-UNAT-1099