

UNDT/2020/184, Julliard, Simonpieri, Maridor & Barla

UNAT Held or UNDT Pronouncements

The issue at stake is whether the non-selection decisions were lawful and, if not, what remedies are to be awarded. The scope of the Tribunal's jurisdiction in selection and appointment matters is twofold: 1) to evaluate if the Administration has followed the pre-established procedures and staff members were given full and fair consideration and 2) to examine if the decision is not blatantly unreasonable, arbitrary or illegal. The Tribunal finds that the fact that the Administration decided to consider the result of the LABEL test when examining applications for the job opening does not amount to an illegality, nor does it constitute an abusive exercise of administrative discretion. On the contrary, that is an example of a good managerial practice that also ensures equal treatment for all candidates who would, in the future, perform similar functions. "Priority consideration" does not mean "preferential treatment", particularly in cases where an external candidate performs better than an internal one.

Decision Contested or Judgment/Order Appealed

Non-selection to the positions of Security Officer (G-3) in the United Nations Office at Geneva.

Legal Principle(s)

An applicant bears the burden of proving any allegations of ill-treatment, or extraneous factors interfering with a recruitment exercise. Absent any element of flagrant unreasonableness, the Tribunal will not interfere with the choices made by the Organization in relation to recruitment processes. If an applicant fails to demonstrate any wrongdoing or bias, the presumption of regularity of official acts stands.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Julliard, Simonpieri, Maridor & Barla

Entity

UNOG

Case Number(s)

UNDT/GVA/2018/116

UNDT/GVA/2018/117

UNDT/GVA/2018/118

UNDT/GVA/2018/122

Tribunal

UNDT

Registry

Geneva

Date of Judgement

27 Oct 2020

Duty Judge

Judge Bravo

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/2010/3

Related Judgments and Orders

2010-UNAT-021

2011-UNAT-184

2010-UNAT-081

2012-UNAT-201

2011-UNAT-122