

UNDT/2020/186, Mokled

UNAT Held or UNDT Pronouncements

The Tribunal held that there was no breach of the applicable procedures in the selection process. The Administration acted in accordance with the UNIFIL guidelines for the selection of staff members. The Applicant was clearly given a full and fair consideration as demonstrated by the fact that she advanced through the process until the final stage. Accordingly, the application was dismissed.

Decision Contested or Judgment/Order Appealed

The Applicant contested UNIFIL's decision not to select her for the position of Assistant Administrative Officer.

Legal Principle(s)

According to the jurisprudence of the Tribunal, in staff selection matters, the starting point is the presumption that official functions have been regularly performed. This presumption is satisfied where management minimally shows that the staff member's candidature was given fair and adequate consideration. Once management satisfies this initial requirement, the burden shifts to the Applicant to show through clear and convincing evidence that he or she was not given fair and adequate consideration.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Mokled

Entity

UNIFIL

Case Number(s)

UNDT/NBI/2019/133

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

30 Oct 2020

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2010/3

UN Charter

- Article 101