

2010-UNAT-014, Luvai

UNAT Held or UNDT Pronouncements

UNAT preliminarily denied the Appellant's request for an oral hearing, determining that there was no need for further evidence, and then considered the appeal. UNAT held that the minor errors in the promotion process prejudiced no one's rights, especially in that, while it is much better practice to do so, the Appellant cited no authority requiring the listing of the exact number of positions available in the vacancy announcement. UNAT also affirmed the findings of fact by UNDT, including that the Appellant well knew the numbers of vacancies, and there was no individual prejudice to him in the process. UNAT further affirmed UNDT's finding that the Appellant presented no evidence to support any of his charges of corruption or favouritism. Lastly, UNAT failed to see why it would matter whether a hearing is called a "pre-trial" or "pre-hearing" or "case management" meeting. UNAT did not address the question of whether the original application to UNDT was receivable because, in this case, the result was the same either way. UNAT neither affirmed nor reversed UNDT's finding on that issue but noted that someone who did not even apply for a position has a heavy burden to contest the result of the process.

Decision Contested or Judgment/Order Appealed

The Applicant alleged that the Administration failed to include the correct number of vacancies in a vacancy announcement. The Applicant also made allegations of corruption, fraud, and favouritism. UNDT found that no rights of the Applicant were breached by the vacancy announcement and that the allegations of fraud, forgery, corruption, and favouritism were not proved. UNDT concluded that the application failed and that the Applicant was not entitled to any relief.

Legal Principle(s)

Minor errors in a promotion process do not necessarily prejudice staff members' rights.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Luvai

Entity

UNON

Case Number(s)

2009-019

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

President Judge

Judge Painter

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Related Judgments and Orders

UNDT/2009/074