

2010-UNAT-088, Megerditchian

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that UNDT was correct to find that it was not competent to consider the application as far as it concerned the decision not to award Ms Megerditchian a service contract since such contracts were awarded to non-staff members. However, UNAT held that UNDT erred in receiving the application in respect of a service contract. UNAT held that UNDT erred in its interpretation of the term priority consideration and that a promise of priority consideration in a job application did not by itself give rise to a legal right on the part of Ms Megerditchian. UNAT held that UNDT erred in finding that the Administration caused harm to Ms Megerditchian. UNAT allowed the appeal, rescinded the UNDT judgment and vacated the award of damages.

Decision Contested or Judgment/Order Appealed

Ms Megerditchian contested the non-renewal of her service contract. UNDT found partly for Ms Megerditchian and awarded compensation.

Legal Principle(s)

Priority consideration cannot be interpreted as a promise or guarantee to be appointed or to receive that for which one is considered in priority.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Megerditchian

Entity

UNDP

Case Number(s)

2010-088

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Oct 2010

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Non-renewal

Staff selection (non-selection/non-promotion)

Applicable Law

Secretary-General's bulletins

UN Charter

- Article 101

Related Judgments and Orders

UNDT/2010/035