

2012-UNAT-204, Kamal

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held, in agreement with the Secretary-General, agreed that there were no grounds to award compensation. UNAT noted that there was no administrative decision being contested in this case, as both parties accepted the decision to promote Ms Kamal and she had not identified any illegality that could lead to an award of compensation. UNAT found that the delay in completing the selection process could not be considered a valid ground for compensation, since the circumstances of the case did not show any negligence or violation of specific rules by the Administration. UNAT held that, in light of the moral satisfaction arising from the outcome of the selection process, which was fair and competitive, Ms Kamal could not have suffered special damage from this opportunity. UNAT allowed the appeal and vacated the UNDT judgment.

Decision Contested or Judgment/OrderAppealed

Ms Kamal filed an application, complaining about the circumstances surrounding her promotion. UNDT dismissed her claim that the Administration's decision to suspend the selection process, and to withdraw the recommendation to the Central Review Body to promote Ms Kamal, was illegal. UNDT also dismissed Ms Kamal's claim that the decision to cancel the vacancy announcement for a second time was unjustified and harmed her. However, UNDT found that the inordinate delay and failure to provide her with a timely response to her enquiries caused her much anxiety and distress. " UNDT awarded compensation to Ms Kamal for the emotional distress and anxiety suffered.

Legal Principle(s)

A delay in completing the selection process cannot be considered a valid ground for compensation when the circumstances of the case do not show any negligence or

violation of specific rules by the Administration.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Kamal

Entity

DGACM

Case Number(s)

2011-208

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Mar 2012

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Related Judgments and Orders

UNDT/2011/034