

# 2012-UNAT-242, Charles

## UNAT Held or UNDT Pronouncements

UNAT held that the Appellant had merely repeated his submissions before JAB and UNDT and while voicing his disagreement with the conclusions, he did not succeed to establish any errors committed by the UNDT. UNAT held that the Appellant did not possess the relevant professional qualification. UNAT held that UNDT had not erred in affirming the JAB's findings that the allegations of manipulation of the selection criteria were not well-founded and that the selection process was conducted in a proper manner. UNAT held that UNDT's focus on the requirement of professional legal experience did not result in a manifestly unjust judgment. UNAT held that UNDT did not err in law and fact in finding that the legal officer who advised the Under-Secretary-General for Management on the Geneva JAB report had not been actively involved in the recruitment process. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select him for a P-3 Legal Officer post in the Secretariat of the former Joint Appeals Board (JAB) and Joint Disciplinary Committee (JDC). UNDT rejected the application. UNDT found that the Applicant was given full and fair consideration. UNDT found that the requirement of relevant experience was appropriate and necessary for the P-3 Legal Officer vacancy. UNDT found that the Administration was entitled to insist on such experience as a mandatory requirement. UNDT rejected the allegation of an actual or perceived conflict of interest.

## Legal Principle(s)

Inordinate delays do not only adversely affect the administration of justice, but on occasions can inflict unnecessary anxiety and suffer on an applicant. The timely and efficient administration of justice is not only a requirement of the rule of law, but it also provides for a congenial working relationship among staff and management. Despite the non-provision in the Statute or the Rules of Procedure of a time frame for the disposal of cases, it is expected that legal disputes between staff and the Administration are resolved in a timely and efficient manner.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Charles

Entity

UN Secretariat

Case Number(s)

2011-261

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jun 2012

President Judge

Judge Adinyira  
Language of Judgment  
English  
Issuance Type  
Judgment  
Categories/Subcategories  
Staff selection (non-selection/non-promotion)  
Eligibility  
Full and fair consideration  
Applicable Law  
UNDT Statute

- Article 2.1

Related Judgments and Orders  
UNDT/2011/159  
2011-UNAT-110  
2010-UNAT-088