

# 2012-UNAT-259, De Saint Robert

## UNAT Held or UNDT Pronouncements

UNAT held that the Appellant had failed to put forward evidence that the selection process for the post for which she had applied had been vitiated by any irregularity or of the existence of bias or misconduct in considering her candidacy. UNAT held that all the stages of the procedure had been followed and that the Appellant had benefitted from an objective examination and equal treatment to which all applicants are entitled. UNAT held that, in view of the evidence, the Appellant had no real chance of being appointed or shortlisted between the three candidates recommended. UNAT held that there were no grounds to support compensation. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

Former UN Administrative Tribunal judgment: The Applicant contested the decision not to select her for a post. The former UN Administrative Tribunal rejected the application on the grounds that the Applicant's claim for compensation could not rely only on a procedural irregularity from which she had not suffered direct harm, considering that she stood no chance of being selected for the post.

## Legal Principle(s)

For an irregularity in a promotion procedure to give rise to the annulment of the decision not to promote an official, he/she must have had a real chance of promotion (see also, Vangelova (Judgment No. 2011-UNAT-172), Bofill (Judgment No. 2011-UNAT-174) and Dualeh (Judgment No. 2011-UNAT-175).

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

De Saint Robert

Entity

UNOG

Case Number(s)

2011-275

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Nov 2012

President Judge

Judge Simón

Language of Judgment

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

GA Resolutions

- A/RES/50/11

UN Charter

- Article 101.3

Related Judgments and Orders

UNDT/2011/175