

2014-UNAT-454, Wang

UNAT Held or UNDT Pronouncements

UNAT considered Mr Wang's appeal, specifically as to whether UNDT correctly concluded that the selected candidate, Ms C. Y., fulfilled the requirements for the post and whether UNDT correctly concluded that Mr Wang was accorded full and fair consideration in the selection process for the post. UNAT was satisfied that the evidence before UNDT supported the Administration's decision to select Ms C. Y. for the post. UNAT found that there was sufficient evidence that Ms C. Y. had the requisite word count translation requirement and that the Administration gave her proportionate credit for her relevant work experience. UNAT upheld UNDT's finding that Mr Wang was afforded full and fair consideration for the post in question, and that he was not able to establish that the evaluation method applied by the interview panel was either unreasonable or unfair. UNAT found no other error of law, fact, or procedure, or failure to exercise jurisdiction on part of UNDT. UNAT dismissed the appeal and upheld the UNDT judgment.

Decision Contested or Judgment/Order Appealed

Mr Wang contested the decision to not select him for a Chinese Reviser post, alleging improper motive. UNDT held that Mr Wang was afforded full and fair consideration in the selection process and dismissed his application.

Legal Principle(s)

A staff member has a right to be fully and fairly considered for promotion through a competitive selection process untainted by improper motives like bias, discrimination. Generally, it is not for UNDT to substitute its own assessment for that of the interview panel, but it may examine whether the selection process was carried out in an improper, irregular or otherwise flawed manner and assess whether the resulting decision was tainted by undue considerations or was manifestly

unreasonable.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Wang

Entity

UNOG

Case Number(s)

2013-526

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Jun 2014

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)
Full and fair consideration

Applicable Law

UNAT RoP

- Article 18.1

UNDT Statute

- Article 9

Related Judgments and Orders

UNDT/2013/099

2011-UNAT-103

2011-UNAT-141

2012-UNAT-242

2011-UNAT-122

2012-UNAT-262

2012-UNAT-227

2011-UNAT-123

2011-UNAT-134

2010-UNAT-021

2010-UNAT-081