

2015-UNAT-508, Nwuke

UNAT Held or UNDT Pronouncements

UNAT considered both an appeal by the Secretary-General and also a cross-appeal by Mr Nwuke requesting additional compensation. UNAT held that UNDT erred in law in deciding that the appointment of the rostered candidate was unlawful and in breach of Mr Nwuke's rights. UNAT held that no illegality occurred and that the appointment was entirely within the Administration's discretion, which was not abusive. UNAT allowed the Secretary-General's appeal, vacated the UNDT judgment and dismissed Mr Nwuke's cross-appeal.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to fill a position for which he had applied with a candidate from the roster. UNDT found for the Applicant, awarding compensation.

Legal Principle(s)

There is no requirement for the head of department/office to first review all non-rostered candidates before selecting a candidate.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Nwuke

Entity

ECA

Case Number(s)

2014-578

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Feb 2015

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Related Judgments and Orders

UNDT/2013/161

2014-UNAT-416

2010-UNAT-095

2014-UNAT-420