

2016-UNAT-616, Tiwathia

UNAT Held or UNDT Pronouncements

UNAT held that pursuant to Article 30 UNAT RoP and considering the medical condition of Appellant's counsel, it was in the interests of justice to grant the Appellant's motion for an extension of time to file her comments on the Secretary-General's motion to supplement his answer. UNAT accepted the Appellant's comments on the Secretary-General's motion as timely filed. UNAT denied the Secretary-General's motion for leave to supplement his answer since his additional pleadings would not advance or assist with the disposal of the case. UNAT held that UNDT had very thoroughly considered the Appellant's claims. UNAT held that Section 1. 8(a)(ii) of Administrative Instruction ST/AI/1999/9 did not apply to the case since the selected candidate had received the same ratings as the Appellant except in the competency of professionalism for which the selected candidate was rated "outstanding". UNAT held that the qualifications of the selected candidate were superior to those of the Appellant. UNAT held that UNDT did not err in finding that the ASG/OHRM's decision to conduct a second interview was a proper exercise of discretion as a hiring manager. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select her for the post of Deputy Director (DD), Medical Services Division (MSD). UNDT rejected the grounds put forward by Applicant – the involvement of a retiree in the recruitment process; the composition of the interview panel; the comments made by Dr Pasquier-Castro allegedly suggesting bias; the conduct of a second interview by the Assistant Secretary-General, OHRM (ASG/OHRM); the CRB's ignorance of procedural irregularities; and the alleged violation of the Organisation's policies on gender parity and geographical diversity. UNDT dismissed the application finding that any procedural error identified by the Applicant did not, of itself or collectively, account for the decision to appoint the successful candidate rather than the Applicant or the

other recommended candidate.

Legal Principle(s)

The mere disagreement by an appellant with the UNDT's statement of its reasons or the facts and law supporting its judgment is not a basis for overturning the judgment.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Tiwathia

Entity

Not indicated

Case Number(s)

2015-715

Tribunal

UNAT

Registry

New York

Date of Judgement

24 Mar 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Interview

Selection decision

Applicable Law

Administrative Instructions

- ST/AI/1999/9
- ST/AI/2010/3

Staff Regulations

- Regulation 1.2(c)

UN Charter

- Article 101.1

UNAT RoP

- Article 30

Related Judgments and Orders

UNDT/2015/021

2015-UNAT-577

2012-UNAT-265

2012-UNAT-216