

2018-UNAT-829, Verma

UNAT Held or UNDT Pronouncements

UNAT held that UNRWA DT did not err in law or fact in dismissing the application. UNAT held that the evidence had shown that the Appellant did not meet all the requirements for the post to which he had applied, as set out in the vacancy announcement, and that he was rightly placed by UNRWA in tranche 2 list. UNAT held that UNRWA DT had rightly concluded that, since the Appellant was unsuitable for the post, the failure of the Administration to consider his application in priority as an internal candidate had not vitiated the outcome of the selection process. UNAT held that the Appellant had not met the burden of proof, demonstrating an error in the impugned judgment such as to warrant its reversal. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

UNRWA DT judgment: The Applicant contested the decision not to shortlist him for a post at P-4 level. UNRWA DT dismissed the application on the grounds that the Applicant had failed to prove that the decision not to shortlist him was unlawful, exercised arbitrarily or capriciously, or was motivated by prejudice or other extraneous factors.

Legal Principle(s)

The Secretary-General has broad discretion in matters of staff selection. In reviewing such decisions, it is the role of the Tribunals to assess whether the applicable regulations and rules have been applied and whether they were applied in a fair, transparent, and non-discriminatory manner. The Tribunals' role is not to substitute their decision for that of the Administration.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Verma

Entity

UNRWA

Case Number(s)

2017-1118

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Mar 2018

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Burden of proof

Non-disciplinary

Staff selection (non-selection/non-promotion)

Eligibility

Full and fair consideration

Standard of review (judicial)

Judicial review (general)

Staff selection (non-selection/non-promotion)

Applicable Law

Staff Regulations

- Regulation 1.2
- Regulation 4.1

UN Charter

- Article 101.1

UNRWA Personnel Directives

- PD I/104.2

Related Judgments and Orders

2017-UNAT-802

2017-UNAT-771

2016-UNAT-669

2015-UNAT-603

2012-UNAT-265

2011-UNAT-122

2015-UNAT-547

2015-UNAT-533

2015-UNAT-594

2015-UNAT-579

2014-UNAT-487

2012-UNAT-236

2011-UNAT-110

2010-UNAT-035

2017-UNAT-762

2015-UNAT-508

2015-UNAT-537

2010-UNAT-095

2014-UNAT-420