

2018-UNAT-893, Elzarov

UNAT Held or UNDT Pronouncements

UNAT held that there was no evidence that the Secretary-General acted in an arbitrary, discriminatory, or irregular manner. UNAT held that accounting for factors such as UNAMID's scorecard with respect to gender targets and the selected candidate's proficiency in Arabic did not amount to discrimination and that it was in the Secretary-General's discretion to do so. UNAT held that no evidence had been presented to it by the Appellant to support the contention that his application was not given full and fair consideration. UNAT held that the Appellant was unable to show through clear and convincing evidence that he was denied a fair chance of promotion. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select him for a position. UNDT concluded that the Secretary-General had made more than a minimal showing that the contested decision not to select the Applicant for the position was not tainted by improper consideration. UNDT held that the Applicant failed to show that he was denied a fair chance at the promotion. UNDT dismissed the application.

Legal Principle(s)

When the Secretary-General makes a decision on staff selection, that decision is presumed to be a regular presumption that is rebuttable in certain circumstances. If there is evidence that a candidate's case has received full and fair consideration, wherein the proper procedures have been followed and all relevant material has been taken into consideration, UNDT is obliged to uphold the selection or promotion of the Secretary-General.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Elzarov

Entity

UNAMID

Case Number(s)

2018-1186

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Oct 2018

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Interview

Selection decision

Written test

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNAT Practice Direction No.1

UNAT RoP

- Article 31.1
- Article 8

UNAT Statute

- Article 2.5

Related Judgments and Orders

UNDT/2018/065