

2020-UNAT-1067, Krioutchkov

UNAT Held or UNDT Pronouncements

UNAT held that there was nothing in the applicable law in force at the time of the events which formed a basis for the Administration's practice of removing the candidates' names from the language roster once they had been recruited or placed against a position. UNAT held that the removal of a candidate from the roster prevented the Administration from evaluating and reassigning or selecting a candidate for a similar post in another duty station. UNAT held that the Appellant's removal from the roster adversely impacted his potential ability for mobility and for obtaining additional incentives related to such mobility. Noting that the job opening did not make it clear that only roster candidates were eligible, UNAT held that the practice did not meet the principles of transparency and access to information, which allow for openness, accountability, and good governance, the values of the Organisation. UNAT held that the practice at the time, even though now partially legalized by ST/AI/2020/3, was not supported by the applicable legal framework at the time of the events and was, therefore, unlawful. UNAT granted the appeal, vacated the UNDT judgment, rescinded the decision to remove the Appellant from the selection process for the position, and set compensation in lieu of rescission.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision not to evaluate him for a position. On remand, UNDT found that the Applicant had been lawfully screened out of the selection process, having been removed from the roster once assigned to a post. UNDT dismissed his application.

Legal Principle(s)

An administrative practice that was not supported by the applicable legal framework at the time of the events is unlawful.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

2020-1367

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2020

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2000/1
- ST/AI/2003/1
- ST/AI/2020/3

UNAT Statute

- Article 9.1(a)

Related Judgments and Orders

UNDT/2019/186

2019-UNAT-920

2015-UNAT-524

UNDT/2018/093