

2022-UNAT-1218, Secretary-General

UNAT Held or UNDT Pronouncements

UNAT disagreed and reversed the UNDT Judgment. The Appeals Tribunal explained that priority consideration is afforded only to redundant staff members holding permanent appointments who have the relative competence and skills for a particular job. Priority consideration is thus premised on candidates first establishing themselves as eligible and suitable for a position. Only then does priority consideration operate to permit their selection. To hold otherwise would require preference to be given to redundant staff members holding permanent appointments despite their lack of skills to effectively perform the tasks of an identified post. The WMO Secretary-General's appeal is thus upheld, and the UNDT Judgment is reversed.

Decision Contested or Judgment/Order Appealed

The post of a staff member who held a permanent appointment was slated for abolition following a restructuring exercise. After receiving such notice, the staff member applied for ten posts at the Organization. However, all of the ten posts, except for one, were unrelated to his previous work experience. He was invited for an initial assessment for the one post that was related to his previous experience to test his technical knowledge. However, he did not succeed and did not go on to the next level of the recruitment, which was the interview. He subsequently filed an application with the UNDT challenging the decision of the Administration to abolish his post without making good faith efforts to place him in a suitable alternative post. The UNDT found the decision to terminate his permanent appointment unlawful on account that the Administration had failed to consider his application for the one post that he was tested for on a preferred non-competitive basis.

Legal Principle(s)

Priority consideration for a job opening is conditioned upon an eligible staff member having the relative competence and skills to perform such job.

Outcome

Appeal granted

Outcome Extra Text

The WMO Secretary-General's appeal is granted, and the UNDT Judgment is reversed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Secretary-General

Entity

WMO

Case Number(s)

2021-1535

Tribunal

UNAT

Registry

New York

Date of Judgement

18 Mar 2022

President Judge
Judge Murphy
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Priority consideration
Permanent appointment
Abolition of position
Abolition of post
Appointment (type)
Termination (of appointment)
Applicable Law
WMO Staff Regulations and Rules
Related Judgments and Orders
2018-UNAT-847