

UNDT/2023/077, HOSSAIN

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant had not discharged the burden of proving improper motives or bias against the Respondent.

Of all the eight alleged acts/omissions on which the Applicant based the complaint that his "partially satisfactory" rating was motivated by bias and ill-motive were speculative and the impugned assessment was not tainted by bias or improper motives. The Tribunal concluded that the fact that the Talent Management Review Group did not afford the Applicant an opportunity to present his case could not, ground a finding of bias and improper motive.

Decision Contested or Judgment/Order Appealed

On 26 February 2019, the Applicant filed an application challenging the rating of his 2016 Performance Management and Development ("PMD") assessment.

Legal Principle(s)

The determination of whether a staff member was denied due process or procedural fairness, in the final analysis, must rest upon the nature of any procedural irregularity and its impact.

The Tribunal may determine that the assessment of a performance was unfair, illegal, or irrational, provided that the Applicant sufficiently proves that the assessment of his performance was tainted by bias, retaliation, or some other form of ill motivation.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

HOSSAIN

Entity

UNDP

Case Number(s)

UNDT/NBI/2019/23/R1

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Jul 2023

Duty Judge

Judge Tibulya

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Rebuttal

Performance management

Applicable Law

Laws of other entities (rules, regulations etc.)

Related Judgments and Orders

2017-UNAT-721

2017-UNAT-757

2010-UNAT-081

2012-UNAT-201