

UNDT/2022/054, Krioutchkov

UNAT Held or UNDT Pronouncements

The application can be decided through a summary judgment as there was no controversy on the facts, and the legal matter at stake was already been decided by this Tribunal in its Judgment Krioutchkov UNDT/2021/052.

The Applicant decided not to participate in the written assessment, which was a compulsory step in the recruitment process. It follows that his non-selection for the vacant post was exclusively a consequence of his own actions and, as per Loeber 2018-UNAT-836, he stopped himself from contesting the selection outcome.

Although the schedule of the written assessment was probably inconvenient for the Applicant, the Tribunal noted that he did not provide a reason for why it was not possible for him to take the test. He simply asked for the test to be rescheduled “during regular business hours” in Bangkok.

The Tribunal further considered, as per Krioutchkov UNDT/2021/052, that the reason provided by the Administration for not being able to accommodate different schedules for the test, namely the avoidance of leaks, was fair and reasonable.

Consequently, the Tribunal found that the Applicant failed to rebut the presumption of regularity and decided to reject the application.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision not to select him for a P-4 post of Russian Reviser, with the Department for General Assembly and Conference Management (“DGACM”) in New York.

Legal Principle(s)

The Administration is given ample discretion to establish the modalities and requirements of recruitment processes. It is not the role of the Tribunal to replace the Administration in selection exercises.

By refusing to participate in an interview because of a belief that the panel was biased while offering no evidence of such bias, the applicant had stopped himself from challenging the outcome of the selection process (Loeber 2018-UNAT-836, para. 30).

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

UNDT/GVA/2021/038

Tribunal

UNDT

Registry

Geneva

Date of Judgement

1 Jun 2022

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Written test

Staff selection (non-selection/non-promotion)

Applicable Law

TANU Statut du Tribunal

- Article 9

Related Judgments and Orders

UNDT/2021/052

2018-UNAT-836