

UNDT/2024/044, Dalal

UNAT Held or UNDT Pronouncements

[t]he Tribunal DECIDES to: a. Reject the Applicant's motion requesting to order the Respondent to provide necessary information; b. Find that the application is not receivable and that, even if it were, there is no merit to it, thus it would dismiss it; and Deny the Respondent's request for an award of costs.

Decision Contested or Judgment/Order Appealed

The Non selection for the position of Protection Associate/Head of Legal Unit on a fixed-term basis at UNHCR in Tel-Aviv.

Legal Principle(s)

The Administration may decide to rescind administrative decisions for any reasons. The UNHCR Deputy High Commissioner's letter dated 12 June 2023 indicates that the recruitment was rescinded for procedural shortcomings. and that, as a result, the position would be readvertised. Thus, the administration's decision was rescinded and cannot be a final administrative decision that can be the subject of review by this Tribunal.

Outcome

Dismissed as not receivable

Outcome Extra Text

The Tribunal finds that the Applicant has not demonstrated that the non-selection decision, which was later rescinded, was unlawful or improper. As a result, the

Tribunal is not in a position to award compensation for damages resulting from the contested decision.

Full judgment

[Full judgment](#)

Applicants/Appellants

Dalal

Entity

UNHCR

Case Number(s)

UNDT/NBI/2023/060

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

29 Jul 2024

Duty Judge

Judge Wallace

Language of Judgment

English

Appeal Status

Appealed

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Staff selection (non-selection/non-promotion)

Applicable Law

Other UN issuances (guidelines, policies etc.)

UNDT Statute

- Article 8.1(a)
- Article 2.1

Related Judgments and Orders

UNDT/2013/056

UNDT/2010/086

2017-UNAT-767