

UNDT/2025/019, Oppal

UNAT Held or UNDT Pronouncements

Having reviewed the parties' submissions and the evidence on record, the Tribunal defined the issues for determination as follows:

- a. Whether the Applicant had a realistic chance of being selected; and
- b. Whether the Applicant suffered any financial loss due to the contested decision.

Regarding the first issue, the Tribunal noted that the Management Evaluation Unit had already determined that there were irregularities in the selection process and recommended that the selection exercise be redone. The Under Secretary-General for Management Strategy, Policy and Compliance (USG/DMSPC) had also already directed UNISFA to conduct a new recruitment exercise for the position. Accordingly, the Tribunal did not find it necessary to determine whether the procedure laid down in the Staff Regulations and Rules was followed, or whether the staff member was given fair and adequate consideration.

However, the Tribunal found that, excluding the unlawfully selected candidate, the Applicant would have had a realistic chance of selection, as he was one of the four applicants considered to have met all the required and desirable criteria.

Concerning the second issue of financial loss, the Tribunal held that the non-payment of the Applicant's mobility allowance is not an economic loss as the Applicant was not relocated as a result of this selection process. The Tribunal also observed that the Applicant suffered no additional economic loss, as the contested position was at the same P-4 level at which the Applicant was serving.

Furthermore, the Tribunal recalled that the USG/DMSPC had instructed UNISFA to conduct a new recruitment exercise. Therefore, the Applicant still had an opportunity to compete for the position.

Accordingly, the Tribunal concluded that although the Applicant had lost a chance of selection, he suffered no actual prejudice in the special circumstances of this case. As a result, the remedies he sought were denied.

In view of the foregoing, the Tribunal decided to deny the application in its entirety.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select him for the position of Chief Finance and Budget Officer, at the P-4 level, with the United Nations Interim Security Force for Abyei (UNISFA).

Legal Principle(s)

As per the settled jurisprudence of the Tribunal, eligibility for the mobility incentive requires an appointment or a reassignment to a new duty station as per staff rule 3.11 and sec. 1.3 of ST/AI/2016/6.

Outcome

Judgement entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Oppal

Entity

UNAMA

Case Number(s)

UNDT/GVA/2024/001

Tribunal

UNDT

Registry

Geneva

Date of Judgement

29 Apr 2025

Duty Judge

Sun

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2010/3/Rev.1 (Staff selection system)
- ST/AI/2020/5 (Temporary special measures for the achievement of gender parity)
- ST/AI/2016/6

Staff Rules

- Rule 3.11(a)

Related Judgments and Orders

2022-UNAT-1214

2017-UNAT-762

2014-UNAT-477

2011-UNAT-109

2010-UNAT-044

2018-UNAT-865

2016-UNAT-697

UNDT/2019/088

UNDT/2022/092

UNDT/2024/099