



THE UNITED NATIONS APPEALS TRIBUNAL

7. Mr. Charles appealed to the Dispute Tribunal on 21 July 2011, alleging that the selection process had been vitiated because the successful candidate was not on the roster at the time of selection and also contending that his rights had been breached when the Organization delayed in notifying him of the decision.

8. Insofar as the roster status of the selected candidate was concerned, whilst finding the relevant administrative instruction “silent about how the eligibility dates of roster candidates should be computed”, the UNDT took note of the advice provided by OHRM in April 2011 “that the consistent and accepted practice in respect of this issue is to recognize as eligible roster candidates those whose name is on the roster on, at least, the date of the opening of the vacancy announcement”.

9. With respect to Mr. Charles’ right to be informed of the outcome of the selection process, the UNDT found that, pursuant to Section 10.1 of ST/AI/2010/3, entitled “Staff selection system”, as a roster candidate, he should have been informed within 14 days after the selection decision was made.¹ The Dispute Tribunal disagreed with the Respondent that this period ran from the date the successful candidate accepted the position, finding that, “as the selection decision was made on 9 May 2011, [Mr. Charles] should have been notified by the hiring manager by 23 May 2011”. Moreover, the UNDT emphasised that an Inspira notification did not satisfy the obligation of the hiring manager in this regard, and “the notification should have been made ... directly and personally by the hiring manager”. The Dispute Tribunal concluded, however, that Mr. Charles had failed to substantiate his claim of harm because of the delay in notifying him, and held that there was no basis for an award of compensation.

10. Mr. Charles appealed this Judgment to the Appeals Tribunal on 27 March 2012, and the Secretary-General answered on 1 June 2012. On 11 September 2012, Mr. Charles filed a motion seeking leave to file additional pleadings in this matter. The Duty Judge granted the motion on 10 October 2012 in Order No. 109 (2012), and the additional pleadings submitted in the context of Mr. Charles’ motion were accepted.

19.

Did the UNDT err in law in determining the successful candidate eligible to fill the vacant P-4 post in issue in these proceedings?

27. Mr. Charles contends that the Dispute Tribunal erred in law when it determined that the candidate selected to fill the P-4 post was eligible to be selected from the roster and that the decision to select him was proper. Specifically, Mr. Charles maintains that, pursuant to the provisions of former administrative instruct

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38. In any event, even if we were minded to consider a period of 42 days as beyond the realm of “a reasonable amount of time”, it remains the case that Mr. Charles did not satisfy the UNDT that he had suffered harm or damage as a result, a finding which we have upheld.

Alleged lack of evaluation of Mr. Charles' candidacy for the P-4 post

39. In the course of his submissions, Mr. Charles appears to take issue with the UNDT's handling of his claim that the Administration did not give full and fair consideration to his application. While this issue is not specifically addressed in the course of its Judgment, the Dispute Tribunal did consider the provisions of Sections 9.2 and 9.4 of ST/AI/2010/3, which govern the Administration's entitlement to select a rostered candidate for a vacancy, without recourse to a central review body. Thus, Mr. Charles was not the protb for eP-(4 post)5becauseh

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