

Translated from French

Introduction

1. By application registered 26 February 2013 under case No. UNDT/GVA/2013/007, the Applicant contests the decisions not to promote him to the post of Senior Reviser (Russian), at the P-5 level, in respect of Job Openings Nos. 16337, 17880, 20354 and 23895.

2. The Applicant requests rescission of the decisions to select Messrs. Mouraviev, Blokhine and Bebenine for Job Openings Nos. 16337, 20354 and 23895, respectively.

3. He also requests compensation, on the one hand, for the material injury arising from the loss of salary increment that he would have received if he had been promoted to the P-5 level, from the date on which thsedrh

Requests for management evaluation

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administrative instruction ST/AI/2010/3, and section 15.7, paragraph 3, of the Manual for the Hiring Manager wished to establish an efficient and expedited procedure that would also ensure the selection of the best candidate without any abuse of power; selection of the best candidate is

b. Nevertheless, bearing in mind that the Applicant worked in the Section, he was well aware of the promotion of the candidate selected for

- h. The re-advertisement of the post under Job Opening

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(a) A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her contract of employment or terms of appointment, including all pertinent regulations and rules pursuant to staff regulation 11.1 (a), shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision.

...

(c) A request for a management evaluation shall not be receivable by the Secretary-General unless it is sent within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested.

37. It follows that a staff member who submits a request for a management evaluation must specify which administrative decisions, whether explicit or implicit, he or she is contesting.

38. In this case, the Applicant submitted two requests for management evaluation, dated 17 October and 28 December 2012 respectively.

39. In his letter of 17 October 2012, the Applicant requested a management evaluation of the decision of 23 August 2012 not to select him for Job Opening No. 23895 and to select Mr. Bebenine for the post. The Tribunal finds that this part of the application submitted to the Tribunal on 25 February 2013 was presented within the prescribed time limit and that its receivability is not contested by the Respondent.

40. In his letter of 28 December 2012, the Applicant requested a management evaluation of the decision not to select him for Job Opening No. 17880, as well as the decision to appoint another staff member, Mr. Blokhine, to the post. Although, in this request, the Applicant also mentioned an irregularity in the selection procedure for Job Opening No. 16337, this cannot be interpreted as a request to review the selection decision for the post advertised under Job Opening No. 16337. The Tribunal recalls that a request for management evaluation of a decision is the first mandatory step which can, eventualL-FyK,yvh7IyFHyyYyh.IMv-FyK,yvhoIL-Fyw63eph

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published subsequently, demonstrating that the reason given by the Administration is erroneous.

54. Although the Administration has broad discretion to decide to cancel a job opening, it must provide the Tribunal with a reason

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provisions of article 10, paragraph 5, of the Statute of the Tribunal, which provide that when the Tribunal orders the rescission of decisions relating to a promotion, the judge must also set an amount of compensation that the Respondent may elect to pay as an alternative to the rescission of the contested administrative decision.

66. The Tribunal should be guided by two considerations when setting the amount of such compensation. The first is the nature of the irregularity that led to the rescission of the contested decision; the second is the chance that the Applicant would have been recommended for promotion if the correct procedure had been followed (see Solanki 2010-UNAT-044; Mezoui 2012-UNAT-220; Appleton 2013-UNAT-347).

67. In this case, the Applicant's rights to apply to Job Openings Nos. 17880, 20354 and 23895 and to have his application duly considered were violated. The Tribunal considers that in the three cases, that is, on three occasions, the Applicant had a very serious chance of being promoted if the correct procedure had been followed. Indeed, the Respondent confirmed that, during the past five years, no external candidate has ever been selected to a post of Senior Reviser, at the P-5

