

Introduction

1. The Applicant contests the decision to deny the claim for the National Professional Staff (NP) position at the UN, - "e.e" in the C.#" Affairs /e\$tion (CA)/*+ of the United Nations Peacekeeping 10%e in C2!%us (UN13C4P*+5 ad.e#t#sed t %oug Jo& ' !en#ng (J' *+ 6/2017 (t e Post#on*+5 and t e#fo#e5 to e8\$"ude #m f#om t e %e\$%u#tment !%o\$ess.

2. -2 9a2 of %emed#es5 e %e: uests;

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&. 1#nan\$a" \$om!ensat#on fo% mo#a" damages5 %e!utat#on and #nteg#t2 damages5 as 9e"" as fo% t e)de"#&e%ate attem!t to !%e.ent > #s? \$a%ee% de.e"o!ment*=-

\$. D#s\$#!"#na%2 a\$#on aga#nst t ose %es!ons#&"e fo% a\$#ons \$onst#tut#ng)m#s\$ondu\$5 a&use of aut o%#t2 and m#smanagement*.

Preliminary Matters

7. The Respondent admitted that although on the merits it was not necessary to reach the Applicant's requested award. The latter

5. At the Tribunal's request the respondent produced ex parte the relevant of an investigation conducted on alleged irregularities in the expenditure of the Position. After the hearing the Tribunal found that the respondent had not added information relevant to the matters under examination in the present case. In addition the investigation also shows a significant investigation and no management decision as yet been taken based on its findings. The reasons for the respondent's failure to produce a significant investigation and no management decision as yet been taken based on its findings. The reasons for the respondent's failure to produce a significant investigation and no management decision as yet been taken based on its findings.

6. During the various stages of the proceedings the respondent's failure to produce a significant investigation and no management decision as yet been taken based on its findings. The reasons for the respondent's failure to produce a significant investigation and no management decision as yet been taken based on its findings. The reasons for the respondent's failure to produce a significant investigation and no management decision as yet been taken based on its findings.

Facts

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10. F. C&O% /en#o% Po"t#\$a" Ad.#se%5 UN13C4P5 at t e %e".ant t#me5 9#t

15. F. C&o% test#f#ed t at #n %es!onse to t e a&o.e5 e to"d t e CCP ' t at #n "#g t of t e g%eat #nte%est #n t e t9o !osts among "o\$a" staff5 #t 9ou"d &e a !#t2 not to g#.e an2 of t em a \$ an\$e to \$om!ete. <e t e%efo%e as0ed t e CCP ' to a.e anote% "oo0 at t e "#st to see #f at "east one G%ee0,C2!%#ot and one Tu%0s , C2!%#ot "o\$a" staff mem&e% \$ou"d &e #n\$"uded5 and ment#oned t e A!!"#\$ant as one of t9o good #nte%na" \$and#dates. <e fu%t e% to"d t e T%#&una" t at e ad 9o%0ed 9#t t e A!!"#\$ant a g%eat dea"5 One9 e ad a un#.e%st2 deg%ee and t oug t e \$ou"d !e%fo%m 9e"" #n t e Pos#t#on. 1#na""25 e \$onf#%med not to a.e \$ e\$0ed t e A!!"#\$antCs P<P o% ana"2se #s 9o%0 e8!e%#en\$e aga#

20. L'ordonnance de la Cour de cassation du 10 mai 2017, confirmant la décision de la Cour fédérale de justice du 10 mai 2017, est confirmée. La Cour de cassation a rejeté le pourvoi de M. Gaddouma contre l'arrêt de la Cour fédérale de justice du 10 mai 2017, confirmant la décision de la Cour de justice fédérale du 10 mai 2017, en ce qui concerne l'annulation de l'acte de la Commission fédérale de gestion de l'immigration en date du 10 mai 2017. La Cour de cassation a également rejeté le pourvoi de M. Gaddouma contre l'arrêt de la Cour fédérale de justice du 10 mai 2017, confirmant la décision de la Cour de justice fédérale du 10 mai 2017, en ce qui concerne l'annulation de l'acte de la Commission fédérale de gestion de l'immigration en date du 10 mai 2017. La Cour de cassation a également rejeté le pourvoi de M. Gaddouma contre l'arrêt de la Cour fédérale de justice du 10 mai 2017, confirmant la décision de la Cour de justice fédérale du 10 mai 2017, en ce qui concerne l'annulation de l'acte de la Commission fédérale de gestion de l'immigration en date du 10 mai 2017.

25. It is also a matter of fact that the J' ad m#s stated that the 2eas of the ant 9o% e8!e#en\$e %e:u#ed for the Pos#t#on. The Guidelines for Determination of Level and Step on Recruitment to the Professional Category and Above issued & 2 the 'ff#e of <uman @esou%\$es Fanagement ()' <@F*+5 %e:u#ed for 2ea#c e8!e#en\$e for su\$ 0nd of !os#t#ons. In Fs. Gaddou#a's .e95 t #s e%%o% ad no #m!a\$ on the A!!"#\$antCs e"#g#&"#t2 as e d#d not %ea\$ e#t e#t e#t %ee o#t e fou% 2ea%st %es o'd.

26. B #e t e #nte%.e9 !ane" 9as \$ons#de%ng #ts de\$#on on the Pos#t#on#s Fs. Gaddou#a ad.#sed #t t at the A!!"#\$ant ad &een 9%ong"2 deemed e"#g#&'e for the N- ' !ost and s ou'd not &e \$ons#de#ed. F%. C#&o% to'd t e T%#&una" t at e 9as ama#ed to ea%t #s. <e &e"#e.ed t at on the !%ete8t of meet#ng st%#St %u'es and %egu"at#ons t e &est !e%son for the Ao& ad not &een se'e\$ted. <e %a#sed #s o&#e\$#ons to the CF /5 &ut d#d not \$ a"enge t e de\$#on and a G#ee0,C2!%#ot \$and#date 9 o #n #s .e9 ad \$ome se\$ond 9as %e\$ommended.

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26. 'n 24 and 25 ' \$to&e% 20175 t e A!!"#\$ant and Fs. Gaddou#a e8\$ angled ema#"s a&out t e %easons for the de\$#on. 'n 26 ' \$to&e% 20175 at F%. C#&o%Cs %e:uest# Fs. Gaddou#a met 9#t t e A!!"#\$ant #n t e !%esen\$e of the CF /5 UN13C4P. At t at meet#ng s e %e#e%ated t at e% !%ede\$esso% 9as #n e%%o% to f#nd t e A!!"#\$ant e"#g#&'e.

29. Fs. Gaddou#a noted that the A!!"#\$antCs 9o% e8!e#en\$e 9as most"2 as an 3T Ass#stant# 9 e#eas t e Pos#t#on 9as #n C#.#" Affa#s. The A!!"#\$ant "\$a#med t at e ad &een te\$ n#\$a"2 "\$ea#ed for !osts #n t e P%ofess#ona" \$atego%2 on se.e#a" o\$#\$as#on#s &ut Fs. Gaddou#a stated that the te\$ n#\$a" "\$ea#an\$e s2stem no "ong% a!!"#ed and t at #s !%e.#ous "\$ea#an\$(s+

76. The Applicant gave evidence concerning his professional activities at the end of 2009 and at the beginning of 2010. He stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010. He stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010.

77. The Applicant stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010. He stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010. He stated that he had been employed by the Applicant as a Press Attaché in Bern from 2009 to 2010.

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Parties' submissions

41. T e A!!"#SantCs !%#n\$#!a" \$ontent#ons a#e;

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\$. According to the Manual for the Applicant on the Staff Selection System (inspired since August 2011) established at the G/6 "e.e" and also considered as "Professional" established. In 2006 the "e.e" established the "na" "e" for selection P,2 posts and selected in UN313J as a C.#" Affair's "ff" at the P,2 "e.e". The Affair's Union, United Nations Fission in DaFu and UNF3J found that the meeting "g&"#t2 "te#a" for C.#" Affair's posts and "m#a" "u!atona" groups in the "Professional" category-

d. The Administration "e" "o." and "anations" of "ues" going to the "g&"#t2 for "National" "Professional" "ff" "posts". The "and" "e" "g&"#t2 "seen" "s" a "o" "su" "to" "nt" "et" and "o" "ng" a "e" "f" "e" "t" "e" "2" "e" "as" "su" "e" and "ont" "ad" "sto" "2" "been" found "e" "g&" "e" and "ne" "g&" "e" for "different" "posts" "e" "u" "ng" "essent" "a" "2" "t" "e" "same" "e" "en" "e" "9" "s" "cannot" "ut" "se" "ous" "2" under "m" "ne" "s" "t" "ust" "n" "t" "e" "fa" "ness" and "ons" "sten" "2" of the Administration's assessment-

e. The memorandum of the Assistant / "eta" "2" "Gene" "a" for "uman" "esou" "es" "Management" "ent" "ed" "Recent" "changes" "in" "the" "staffing" "procedures" "nd" "ates" "t" "at" "e" "en" "e" "at" "t" "e" "G,6" "e.e" "s" "ou" "d" "a.e" "been" "counted" "as" "e" "e" "ant" "Professional" "e" "en" "e". The "e" "en" "e" "e" "u" "ed" "!" "o" "to" "Som" "et" "on" "of" "s" "adem" "s" "deg" "ees" "s" "ou" "d" "a" "so" "a.e" "been" "counted" "as" "Professional" "e" "en" "e". "n" "2" "50M" "of" "t" "e" "A!" "s" "ant" "Cs" "9" "o" "0" "ng" "e" "en" "e" "as" "a" "ese" "ate" "9" "as" "counted" "I" "des" "ite" "e" "ng" "e" "a" "2" "stated" "as" "a" "fu" "t" "me" "em" "!" "o" "2" "ment" "I" "9" "t" "out" "g" "ng" "a" "reason" "o" "a" "ega" "as" "s" "fo" "t" -

f. At the meeting of 26 "sto" "e" 2017's Gaddoua suggested the A!" "s" "ant" "Cs" "ate" "a" "mo" "e" "to" "CA" /. According to the "ues" "t" "e" "m" "n" "mum" "9" "o" "0" "ng" "e" "en" "e" "e" "u" "ements" "fo" "G,6" "posts" "s" "se" "en" "2" "e" "as". F.s. Gaddoua considered the A!" "s" "ant" "to" "e" "g&" "e" "9" "e" "e" "as" "s" "e" "d" "s" "ua" "f" "ed" "m" "fo" "t" "e" "N" ', - "lost" "e" "ause" "a" "So" "d" "ng" "to" "e" "e" "d" "d" "not" "loss" "t" "e" "m" "n" "mum" "9" "o" "0" "ng" "e" "u" "ement" "of" "t" "9" "o" "2" "e" "as" -

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Consideration

Issue #5 were the rules followed correctly to assess relevant professional experience of the Applicant for the advertised ' ' (

47. The "ega" fame9o%0 fo% t e se"e\$#on of NP ' !osts #s !%#ma%#2 \$ontan#ned #n t e Femo%andum of t e t en Unde%, /e\$%eta%2, Gene%a"5 De!a%tment of 1#e"d /u!%o%t5 ent#t"ed Delegation of Recruitment Authority and Responsibility for !ational Professional "fficers5 dated 17 ' \$to&e% 2006 ()2006 Femo%andum*+.

44. A"t oug Adm#n#st%at#.e 3nst%u\$#on /T/A3/2010/7 (/taff /e"e\$#on /2stem+5 9 # \$ a!!"#es to #nte%nat#ona" staff %e\$%u#tments5 e8!%ess"2 e8\$"udes (#n se\$. 7.2(++ t e %e\$%u#tment !%o\$edu%es fo% NP ' !osts #n !ea\$e0ee!#ng o!e%at#ons and s!e\$a" !o"t#\$a" m#ss#ons f%om #ts s\$o!e5 t e 2006 Femo%andum

4E.

51. As the head of the office, Ms. Gaddouma was entrusted with the authority to assess the integrity of candidates for the Position. As the office's policies for ensuring the integrity of an appointment in the Function is established not on the one hand but also the duty to refer to the candidates' conduct and been determined.

52. The fact that the selection process of the candidate was conducted before Ms. Gaddouma took over the CCP's functions did not prevent her from fulfilling her duty as she deemed necessary. As stated in Gusarova;

The Manual for the Recruiter on the Staff Selection System

60. The Commission has noted that the decision was issued on 21 February 2014 and was not a final decision at the time of the contested decision. In assuming that the Commission's decision is not final, the Commission should be held as if it were a final decision.

65. In the event of a total and permanent disability, the applicant is entitled to receive a lump sum of \$200,000.

66. 'n t e &as#s of t #s "#st5 t e A!!"#\$ant \$"a#ms mo%e t an f#.e 2ea%s of %e"e.ant !%ofess#ona" e8!e%#en\$e5 9 #e Fs. Gaddou#a%\$ Sa"\$u"at#on %esu"ted #n a tota" of 14.5 mont s afte% #s -a\$ e'o%Cs and t %ee mont s afte% #s Faste%Cs deg%ee. T e d#ffe%en\$e &et9een t e t9o Sa"\$u"at#ons a%se &e\$ause t e Adm#n#st%at#on;

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&. C%ed#ted t e A!!"#\$ant 9#t 50M of #s 9o%0 as @esea%\$ Asso\$#ate and as 3nte%n P%ess Atta\$ K=

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69. T e f#%st of t ese d#ffe%en\$es #n Sa"\$u"at#on 9as #n "#ne 9#t t e !"a#n 9o%dn%g of t e J' and 9#t t e ' <@ F gu#de"#nes a!!"#Sa&"e at t e %e"e.ant t#me5 as d#s\$ussed #n !a%as. 67 to 65 a&o.e.

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E2. Jast"25 as \$on\$e%ns t e t #%d %eason5 #t #s not se"

Case No. UNDT/GVA/2014/026

Judgment No. UNDT/2015/042

62. The time gap between the notification to the Applicant of the award from the Ombudsman and the notification of analogous decisions to other candidates does

92. Cranfield 2017, UNAT, 76E \$on\$e%ned a \$ase 9 e%e a staff mem&e% 9 as

Conclusion

96. In the event of the foregoing, the Tribunal shall:

The award shall be set aside.

(Signed)

Judge Corina / a9

Dated this 2E