
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2017/04
Order No.: 12# \$GVA/2017%
Date: 20 '()e 2017

1. B a!!"#Sa#o& f#"ed o& 14 '(&e 2017) %*e A!!"#Sa&% re+(es#s s(s!e&s#o&)
!e&d#&g , a&age , e&% e-a"(a#o&) of %*e de#s#o& &o% %o re&e . *er f#/ed0%er ,
a!!o#&% , e&% . #*% %*e U&#ed Na#o&s 1 #"#ar O2ser-er Gro(! #& 3&d#a a&d
Pa4#s#a& (5UN 1 OG3P6) 2e o&d 30 '(&e 2017.

2. O& 8 7e2r(ar 2018) UN 1 OG3P #ss(ed a -aSa&\$ a&&o(&\$e , e&% (5VA6)
for a& Ad , #&#s#ra#-e Ass#s#a&% !os#%#o& (G07 "e-e"). 3% . as ad-er#sed #& %*e "oS\$a"
&e . s!a!er) . #*% a "\$os#&g da!e of 23 7e2r(ar 2018. T*e VA s#a!ed) inter alia)
%*a% 59\$:a&d#da!es *a-#&g , #&# , (, ed(\$a#o& of se\$e&dar s\$*oo" d#!"o , a)
a&d/or s(!!"e , e&%ar ad , #&#s#ra#-e or , a&age , e&% %ra#&#&g or a& re"a!ed
+(a"#f#Sa#o&s along with minimum 10 years of relevant working experience are
re+(es!ed %o a!!" 6 (e , !*as#s added).

3. 3% a!!ears %*a% d(r#&g %*e s*or%"#s#&g !ro\$ess) UN 1 OG3P a!!"#ed %*e
; %a&dard O!era%#&g Pro\$ed(re o& ; %aff ; e"e\$%#o& for Pea\$e4ee!#&g O!era%#o&s a&d
; !e\$#a" Po"##\$a" 1 #ss#o&s (5 ; OPs6) . *\$*\$!ro-#de g(#da&\$e %o s!aff , e , 2ers #&
f#e"d , #ss#o&s #& # , !"e , e&%#&g %*e !o"#\$es se% o(% #& ; T/A3/2010/3 (; %aff
se"e\$%#o& s s!e ,).

4. T*e A!!"#Sa&% a!!"#ed %o %*e VA a&d) o& %*e 2as#s of *er Perso#a" <#s#or
Prof#%e (5P<P6) a&d . as fo(&d e"#g#2"e a"%*o(g* *er P<P \$"ear" #&d#Sa!ed %*a%
*er !rofess#o#a" e/!er#e&\$e %o#a"ed "ess %*a& %e& ears. 7o"o . #&g a \$o , !e#%#-e
se"e\$%#o& e/er\$#se) %*e A!!"#Sa&% . as se"e\$!ed for %*e !os% a&d re\$#r(#!ed) a% %*e G07
"e-e") (&der a o&e ear f#/ed0%er , a!!o#&% , e&%) o& 1 '(" 2018.

8. A re-#e . of %*e A!!"#Sa&=#s se"e\$%#o& . as #&#%#a!ed 2 %*e 7#e"d Perso&&e"
D#-#s#o&) De!ar% , e&% of 7#e"d ; (!!"or% (57PD/D7 ; 6) #& ; e!%e , 2er 2018) o& %*e
2as#s of a"ega!#o&s of #rreg("ar#%es %*a% *ad 2ee& , ade 2 a& e/%er#a" \$a&d#da!e.

>. 7PD/D7; fo(&d %*a% %*e se'e\$%#o& !ro\$ess *ad &o% \$o , !"#ed .#%* %*e es%a2"#s*ed !ro\$ed(res o& %*e re\$r(#% , e&% of s%aff) 2e\$a(se %*e A!!"#s\$a&% d#d &o% , ee% %*e , #&# , (, ears of .or4 e/!er#e&\$e as re+(#red 2 %*e VA. A"%*(g* UN 1 OG3P .as ad-#sed 2 7PD &o% %o re&e. %*e A!!"#s\$a&%=s 7TA) #% .as re&e .ed %*ro(g* 30 '(&e 2017) o& 1 '(" 201>.

7. O& 27 1a 2017) 7PD aga#& ad-#sed %*e 1#ss#o& &o% %o re&e. %*e A!!"#s\$a&%=s 7TA 2e o&d 30 '(&e 2017. A\$\$ord#&g") 2 , e , ora&d(, daied 30 1a 2017) %*e <ead of 1#ss#o& #&for , ed %*e A!!"#s\$a&% %*a% *er a!!o#&% , e&% .o("d &o% 2e re&e .ed 2e o&d 30 '(&e 2017. T*e , e , ora&d(, a"so &oied %*e fo""o . #&g?

1. A re-#e . (&der%a4e& 2 %*e 7#e"d Perso&&e" D#-#s#o& a% UN<@ #& Ne . Aor4 #de&%#f#ed se-era" s#g&#f#s\$a&% errors #& %*e re\$r(#% , e&% !ro\$ess for %*e GB07 !os% of Ad , #&#s%ra%#-e Ass#s%a&% for . *\$%* o(*a-e 2ee& se'e\$%ed effe\$%#-e 1 '(" 2018.

2. 3& !ar%\$("ar) #% .as de%er , #&ed %*a% o(d#d &o% , ee% %*e e"#g#2#"#% re+(#re , e&%s a% %*e %# , e of o(r re\$ a

10. The Applicant filed a request for a review of the decision of 12 October 2017 and the respondent filed a request for a review of the decision of 14 October 2017.

11. The Applicant has submitted evidence in support of his claim for a review of the decision of 17 October 2017. The Applicant filed a request for a review of the decision of 17 October 2017.

12. The Applicant is requesting that the Tribunal set aside the decision of 17 October 2017.

Prima facie unlawfulness

a. The Applicant claims that the Tribunal's decision is unlawful because it is based on irrelevant facts and is not supported by sufficient evidence. The Applicant claims that the Tribunal's decision is based on irrelevant facts and is not supported by sufficient evidence.

2. The Applicant claims that the Tribunal's decision is unlawful because it is based on irrelevant facts and is not supported by sufficient evidence. The Applicant claims that the Tribunal's decision is based on irrelevant facts and is not supported by sufficient evidence.

3. The Applicant claims that the Tribunal's decision is unlawful because it is based on irrelevant facts and is not supported by sufficient evidence. The Applicant claims that the Tribunal's decision is based on irrelevant facts and is not supported by sufficient evidence.

d. The Applicant claims that the Tribunal's decision is unlawful because it is based on irrelevant facts and is not supported by sufficient evidence. The Applicant claims that the Tribunal's decision is based on irrelevant facts and is not supported by sufficient evidence.

e. The Applicant ("f" s for So&ra\$ re&e .a" (&der %*e re'e-a&% !ro-#s#o&s of ;T/A3/2013/1 (Ad , #&#s\ra\#o& of f#/ed0\er , a! !o#&% , e&%)D

f. The %er , #&a\#o& of *er So&ra\$ o\$\$ (rred . #*o(% a& "eg#\# , a\ie reaso&s a&d %*e C(s\#f\#a\#o& g\#-e& for %*e e/er\#se of d\#s\re\#o& . as &o\% s(! !or\ed 2 "eg#\# , a\ie fa\%s (Islam 20110UNAT0118)D

g. ;*e \$a&&o\ 2e !(&#s*ed for %*e &eg"e\$ a! !"#ed 2 < (, a& Feso(r\$es a\ %*e %\# , e of *er re\$r(#\ , e&\D %*e C*\#ef) < (, a& Feso(r\$es) UN 1 OG3P) ad , #\ked %*a\ %*e r("es of 7#e"d ;er-#Se (57;6) "e-e" . ere erro&eo(s" a! !"#ed) a"*o(g* %*e . ere %e\$*\#&Sa"" &o\ a! !"#a2"e for re\$r(#\ , e&\ a\ %*e Ge&era" ;er-#Se "e-e"D #& &o\ re&e . #&g *er 7TA) %*e Orga&\#Ga\#o& 2rea\$*ed %*e -a"(e of !rofess#o&a"#s , a&d of #&\egr#\ D a& error \$a&&o\ 2e re\$\#f\#ed 2 %*e Orga&\#Ga\#o& %*ro(g* a&o*er error) a&d

*. The %er , #&a\#o& of *er 7TA #s %*e res(% of \$o&s!#ra\$#es.

13. The Fes!o&de&%-s !r# , ar \$o&e&\#o&s , a 2e s(, , ar#Ged as fo""o . s?

Prima facie unlawfulness

a. 3rres!e\$%-e of %*e "e&g* of ser-#Se) a& 7TA does &o\ \$arr a& e/!e\$a&\$ of re&e .a") 2(% e/!#res a(%o , a\#Sa"" D %*e A! !"#a&%-s !erfor , a&\$e e-a"(a\#o&s do &o\ g\#-e r#se %o a& e/!e\$a&\#o& of re&e .a"D %*e de\#s#o& . as 2ased o& -a"#d reaso&s) &a , e") %*e fa\% %*a\ %*e A! !"#a&% d\#d &o\ *a-e %*e , #&# , (, re+(#re , e&\ (10 ears) of !rogress#-e" res!o&s#2"e !r#or . or4 e/!er#e&\$eD

2. The error ga-e %*e A! !"#a&% a& (&fa#r ad-a&\age -#s0J0-#s o*er s\aff , e , 2ers a&d e/\er&a" \$a&d\da\es . *o , e\ %*e re+(#re , e&\s of %*e -a\$a&\$ D %*e Ad , #&#s\ra\#o& \$o("d &o\ a""o . %*e s#\ (a\#o& %o !ers#\s) a&d . as o2"#ged %o \$orre\$ %*e error.

14. The Tribunal's findings in the present case are based on the evidence submitted by the parties and the Tribunal's own investigation. The Tribunal has found that the respondent's actions were in violation of the applicable law and that the respondent is liable for the damages suffered by the applicant. The Tribunal has awarded the applicant the sum of \$100,000 as compensation for the damages suffered.

18. Article 2.2 of the Tribunal's Rules of Procedure provides that the Tribunal shall have the authority to award interest on the sums awarded. The Tribunal has found that the respondent's actions were in violation of the applicable law and that the respondent is liable for the damages suffered by the applicant. The Tribunal has awarded the applicant the sum of \$100,000 as compensation for the damages suffered, plus interest on the sum of \$100,000 at the rate of 5% per annum from the date of the award until the date of payment.

Chattopadhyay UNDT/2011/1E8) ' ang UNDT/2012/080) &chir Order No. 77 (NB3/2013)) (ompass Order No. EE (GVA/2018)).

18. T*e VA for %*e !os% of Ad , #&#s%ra%#-e Ass#s%a&% G07) re+(#red a , #&# , (, of %e& ears of .or4#&g e/!er#e&\$e. 3% #s (&d#s!(%ed %*a% a% %*e , o , e&% of *er re\$R(#% , e&%) %*e A!!"#\$a&% d#d &o% !ossess %*e re+(#red !rofess#o&a" e/!er#e&\$e. I-e& af%er *a-#&g .or4ed for % .o ears as Ad , #&#s%ra%#-e Ass#s%a&% G07) a% UN 1 OG3P) s*e s%#" fa""s s*or% of %*e %e& ears .or4#&g e/!er#e&\$e re+(#red for %*e !os%#o&. T*e A!!"#\$a&% .as %*(s &o% e"#g#2"e %o a!!" a&d %o 2e se"e\$%ed for %*e !os%#o& of Ad , #&#s%ra%#-e Ass#s%a&% G07.

1E. T*e Ad , #&#s%ra%#o& ad , #%ed %*a% #% , ade a , #s#a4e . *e& #% fo(&d %*e A!!"#\$a&% e"#g#2"e 2 a!!" #&g se\$. 1.4.E of %*e ;OPs o& ; %aff ; e"e\$%#o& ; s%e , for Pea\$e4ee!#&g O!era%#o&s a&d ; !e\$a" Po"##\$a" 1 #ss#o&s (;OPs) %o %*a% re\$R(#% , e&% . T*e ;OPs !ro-#de for so , e f"e/#2#"# %o re!"a\$e %*e &(, 2er of .or4 e/!er#e&\$e re+(#red #& a g#-e& VA for !os%#o&s #& %*e 7#e"d ; er-#Se \$a%egor) #f a \$a&d#da%e *o"ds a f#rs% "e-e" (&#-ers% degree. As s(\$*) e.g. for a !os%#o& a% %*e 7;> "e-e") #% !ro-#des 510 ears . #*% a *#g* s\$*oo" d#!"o , a or e+(-a"e&% %e\$*&\$a" or -o\$a%#o&a" \$er%#f#\$a%e (8 ears . #*% a f#rs% "e-e" (&#-ers% degree)6. 3% see , s %*a% %*a% !ro-#s#o& . as a!!"#ed 2 UN 1 OG3P . *e& #% fo(&d %*e A!!"#\$a&% e"#g#2"e for a&d re\$R(#ed *er aga#&s% a G07 !os%.

20. T*e Tr#2(&a" re\$a""s %*a% (&"#4e for Ge&era" ;er-#Se !os%#o&s) "#4e %*e o&e e&\$ (, 2ered 2 %*e A!!"#\$a&%) re\$R(#% , e&% #& %*e 7#e"d ; er-#Se Ca%egor #s #&%er&a%#o&a" . 1 ore # , !or%a&%) #% &O%es %*a% se\$. 2 of %*e ;OPs e/!"#\$%" !ro-#des %*a% %*e ;OPs do 5&o% a!!" %o %*e se"e\$%#o& of \$a&d#da%es aga#&s% "o\$a"" 0re\$R(#ed !os%#o&s #& %*e Ge&era" ;er-#Se a&d %*e Na%#o&a" Profess#o&a" Off#Ser \$a%egor#es #& %*e f#e"d , #ss#O&s6.

21. Fa%*er) %*e se"e\$%#o& !ro\$ess for %*e !os%#o& of Ad , #&#s%ra%#-e Ass#s%a&% (G07)) #s g(#ded 2 ; T/A3/2010/3 (; %aff se"e\$%#o& s s%e ,) . *#\$* !ro-#des for I"#g#2#"# re+(#re , e&%s (se\$. >) a&d Pre0s\$ree&#&g a&d assess , e&% (se\$. 7) ; e\$%#o& 7.1 of %*a% Ad , #&#s%ra%#-e #&s%r(\$%#o& s%a%es?

27. The Ad, #&#s%ra%#o& #s %*(s &o% es%o!!ed fro , !<%%#&g a& e&d %o a& #""ega" s#(a%#O&). *#\$* #s . *a% #% d#d . *e& #% de\$#ded &o% %o e/%e&d %*e A!!"#Sa&%=s 7TA. T*e fa\$% %*a% %*e A!!"#Sa&%) . *e& a!!" #&g for %*e !os##%o& of Ad , #&#s%ra%#-e Ass#s#a&%) G07) d#d !ro-#de #& good fa##* a"" %*e #&for , a%#o&) #&\$"(d#&g %*a% re"a%ed %o *er . or4#&g e/ !er#e&\$e) does &o% \$*a&ge %*e fa\$% %*a% %*e Ad , #&#s%ra%#o& . as 2o(&d %o a!!" %*e r("es a&d . as e&%#"ed) a&d e-e& o2"#ged) %o !(% a& e&d %o %*e #""ega" s#(a%#o& \$rea%ed 2 #%s o . & , #s%a4e.

28. As s(\$*) %*e Tr#2(&a" f#&ds %*a% %*e Ad , #&#s%ra%#o%e8()-27 . 1 269(N5 1 52(N)2 . 37334(D)-9 . 9793

32. 3& -#e . of %*e forego#&g?

a. %*e a !"#Sa%#o& for s(s!e&s#o& of a\$%#o& #s rece\$%ed) a&d

2.