
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/004
Order No.: 007 (NBI/2019)
Date: 30 January 2019
Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar:

Introduction

1. The Applicant is a Training Officer with the United Nations - African Union Hybrid Operation in Darfur (UNAMID). He serves on a fixed-term appointment at the P-3 level, and is based in El-Fasher.

and bias are absent, proper procedures have been followed, and all relevant material have been taken into consideration.¹

9. The presumption of regularity is rebutted by evidence of a failure to follow applicable procedures, bias in the decision-making process, and consideration of irrelevant material or extraneous factors.² The Applicant bears the burden of showing such irregularity in the selection exercise so that there is doubt as to the lawfulness of the process that was followed. At this stage, the Applicant need only show *prima facie* *unlawfulness*.

10. Following careful review of the pleadings, the Tribunal is unable to conclude that he has discharged his burden to satisfy the Tribunal that the injunction he seeks is warranted.

11. The Respondent has, for his part, satisfied the Tribunal that the A candidature was in fact given due consideration, and that another candidate was selected for the position to match the skill set being sought.

Conclusion

12. The application for suspension of action in this case, pending management evaluation, accordingly **FAILS**.

¹ *Rolland* 2011-UNAT-122; *Aliko* 2015-UNAT-540.

² *Rolland* 2011-

(Signed)

Judge Nkemdilim Izuako

Dated this 30th day of January 2019

Entered in the Register on this 30th day of January 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi