Introduction

1.　　! a""#$%at$on f$#ed on 1 &a! 2015' t(e A""#$%ant %ontests t(e de%$s$on to den! (e) fu## and fa$) %ons$de)at$on fo) t(e D*2 "os$t$on of +"e%$a# , e")esentat$-e of t(e Adm$n$st)ato)' P)og)amme of Ass$stan%e to t(e Pa#est$n$an Peo"#e ./PAPP01' Un$ted Nat$ons De-e#o"ment P)og)amme ./UNDP01' and' s"e%f%a##!' t(e de%$s$on to %ondu%t an assessment $nte)-$e2 2$t(a "ane# t(at $n%#uded a sen$o) off$%$a# 2(ose %ondu%t of a)est)u%tu)$ng e3e)%$se 2as t(e su45e%t of se-e)a# %)t%a# ema$#s' $n 2($%(t(e A""#$%ant %a##ed $nto 6uest$on ($s mot$-es and t)eatment to2a)ds (e).

2.　　T(e , es"ondent f$#ed ($s)e"#! on 2 June 2015' asse)t$ng t(at t(e A""#$%ant (ad 4een a%%o)ded fu## and fa$) %ons$de)at$on and t(at t(e $nte)-$e2 "ane# 2as ")o"e)#! %onst$tuted' $n t(at t(e)e 2e)e no g)ounds to 5ust$f! t(e)e%usa# of t(e sen$o) off$%$a# %on%e)ned.

3.　7o##o2$ng %ase management d$s%uss$ons and o)de)s' a (ea)$ng 2as (e#d f)om 11 to 13 Ju#! 2016. T(e T)$4una# (ea)d e-$den%e f)om8 t(e A""#$%ant9 &). &agd! &a)t$ne:*+o#$man' Ass$stant Adm$n$st)ato) and D$)e%to)' u)eau fo) Po#$%! and P)og)amme +u""o)t9 &). Pat)$%; <eu#ee)s' D$)e%to)/C($ef of P)ofess$on' Go-e)nan%e and Pea%e4u$#d$ng u)eau fo) Po#$%! and P)og)amme +u""o)t' UNDP9 &). A#4e)$% <a)ou' fo)me) C($ef of +taff and D$)e%to) of t(e =3e%ut$-e >ff$%e ./=>019 &s. ?$: @u%;e)4!' C($ef' Integ)ated Ta#ent &anagement and fo)me) >ff$%e)*$n*C(a)ge' >ff$%e of @uman , esou)%es ./>@, 01' &). &$%(ae# ?$#e!' ed　　　　　　　ma

17.   ! ema$# of 10 A")$# 201B' t(e A""#$%ant 2)ote to &s. @e#en C#a);' t(e UNDP Adm$n$st)ato) summa)$:$ng (e) "os$t$-e a%($e-ements as D$)e%to)' >GC. T(e ema$# 2as %o"$ed to &). &a)t$ne:*+o#$man' to &). Fande#' t(e Ass$stant Adm$n$st)ato)' to &). <eu#ee)s' t(e A""#$%antGs d$)e%t su"e)-$so) and to &). ?$#e!' t(e D$)e%to)' >@,' to 2(om t(e A""#$%ant (ad sent t(e ema$# of 26 7e4)ua)! 201B. An (e) %on%#ud$ng "a)ag)a"(' s(e e3")essed (e) dee" %on%e)ns a4out t(e manne) $n 2($%(t(e)est)u%tu)$ng 2as %a))$ed out and t(e 2a! $n 2($%(s(e 2as t)eated' $n t(e fo##o2$ng te)ms .em"(as$s added18

    At t(e same t$me' A 2ou#d a#so #$;e to)eg$ste) m! %on%e)ns' 2($%(

Facts relating to the selection process of the PAPP post

23.   T(e -a%an%! announ%ement fo) t(e "ost of +"e%$a# ,e")esentat$-e of t(e Adm$n$st)ato)' P)og)amme of Ass$stan%e to t(e Pa#est$n$an Peo"#e .PAPP' UNDP' 2as ad-e)t$sed $nte)na##! 2$t(an a""#%at$on dead#$ne of 20 No-em4e) 201B.

2B.   >n 30 >%to4e) 201B' t(e #$st of t(e $nte)-$e2 "ane# mem4e)s %om")$sed⁸

    a.   &s. +$ma a(ous' t(e Ass$stant +e%)eta)!*Gene)a# ./A+G01' Ass$stant Adm$n$st)ato) and D$)e%to) of t(e ,eg$ona# u)eau fo) A)a4 +tates ./, A+01' UNDP⁹

    4.   &). &agd! &a)t$ne:*+o#$man' A+G' Ass$stant Adm$n$st)ato) and D$)e%to)' u)eau fo) Po#%! and P)og)amme +u""o)t ./ PP+01' 2(o 2as t(e fo)me) De"ut!*D$)e%to)' DP⁹

    %.   &s. ?$: @u%;e)4!' t(e t(en A%t$ng D$)e%to) of >@ , ' and

    d.   &s. @eat(e) +$m"son' +"e%$a# Ad-$so) to t(e Adm$n$st)ato)' =>' UNDP.

25.   >n 1 No-em4e) 201B' t(e %om"os$t$on of t(e "ane# 2as a""o-ed 4! t(e C($ef of +taff' on 4e(a#f of t(e Adm$n$st)ato). @o2e-e)' t(e +"e%$a# Ad-$so) to t(e Adm$n$st)ato)' =>' 2as not a-a$#a4#e on t(e dates set fo) t(e $nte)-$e2s. >n 26 No-em4e) 201B s(e 2as)e"#a%ed 4! a D*1 UNDP staff mem4e)' &s. +(a)on <$ngs#e!')e")esent$ng t(e =>.

26.

%.

o" "o)tun$t！' ta；$ng $nto %ons$de)at$on t（at t($s $))egu#a)$t！)esu#ted d$)e%t#！

se#e%t$on s(ou#d 4e u"(e#d 2(en %and$dates (a-e)e%e$-ed fu## and fa$) %ons$de)at$on' 2(en d$s%)$m$nat$on and 4$as a)e a4sent' and ")o"e) ")o%edu)es (a-e 4een fo##o2ed . 2011*UNAT*122₉ 2013*UNAT*2D6₉ 2015*UNAT*5B01.

3B.   F($#e t(e A""#$%ant su4m$ts t(at s(e 2as not g$-en fu## and fa$) %ons$de)at$on' s(e does not %#a$m t(at s(e oug(t to

! *"*

$ *% %* *&'* *$* *$* *( )* ***

B2.   F$t(t(e a4o-e standa)d $n m$nd' t(e T)$4una# f$nds $t a""o")$ate to f$)st e3am$ne 2(et(e) >@, o) t(e =3e%ut$-e >ff$%e s(ou#d (a-e)emo-ed &). &a)t$ne:*+o#man f)om t(e $nte)-$e2 "ane#' on t(e 4as$s of a "e)%e$-ed %onf#$%t of $nte)est' on%e $t 2as de%$ded t(at t(e A""#$%ant 2as one of t(e %and$dates to 4e $nte)-$e2ed.

B3.

B6. T(e UNDP Adm§n§st)ato) a""")o-ed t(e s(o)t*#§st of %and§dates' 2($%($n%#uded t(e A""#§%ant' and as Adm§n§st)ato) and @§)§ng &anage) fo) t(at

of t(e %om"#a$nt of D June 201B' des"$te t(e fa%t t(at $t 2as %#osed 2$t(out an $n-est$gat$on' $t 2ou#d (a-e 4een sens$4#e to (a-e)emo-ed ($m f)om t(e "ane# to a-o$d an! "e)%e"t$on of 4$as.

BC.   A""#!$ng t(e standa)ds set 4! t(e A""ea#s T)$4una# $n   ' t(e T)$4una# $s sat$sf$ed t(at >@, and t(e =3e%ut$-e >ff$%e d$d not (a-e suff$%$ent ;no2#edge at t(e t$me to %ons$de))emo-$ng &). &a)t$ne:*+o#$man f)om t(e $nte)-$e2 "ane# on t(e 4as$s of a "e)%e"t$on of 4$as.

((
% %   &' $ $ $ ( )
   $ (   ))   ('   *

50.   Counse# fo) t(e , es"ondent $s %o))e%t $n "o$nt$ng out' $n (e) f$na# %#os$ng su4m$ss$ons' t(at t(e)e 2as no ")oof o) fndng of a%tua# 4$as o) a4use of aut(o)$t! on t(e "a)t of &). &a)t$ne:*+o#$man and t(at' t(e >AA d$d not %ons$de) t(at t(e)e 2e)e g)ounds to %a))! out an $n-est$gat$on. T(e T)$4una# ag)ees t(at t($s %ontent$on $s 2e## founded and t(at &). &a)t$ne:*+o#$man 2as not to#d t(at a %om"#a$nt aga$nst ($m (ad 4een made to >AA. @o2e-e)' 2($#st t(e)e 2as no)eason fo))e%usa# on t(e g)ounds of a%tua# o) ")o-en 4$as' and fo) t(e)easons out#$ned 4e#o2' Counse# foe-noe N28642 (s)7e92 (t)0.87305-0. (")9.20927().45.58661(+)1.5-0. (")9.208721(

&). &a)t$ne:*+o#$man on t(e $nte)-$e2 "ane# %onst$tuted a den$a# of fu## and fa$)
%ons$de)at$on g$-en t(e 4a%;g)ound and %ontent des%)$4ed (e)e$n.

    +   %   , - .   +'/ $ $
)   )   (*

5B.   T(e A""#$%ant fu)t(e) su4m$ts t(at t(e ")esen%e of a "ane# mem4e) at t(e
D*1 #e-e#' t(at $s' one #e-e# unde) t(e g)ade of t(e "ost unde))e-$e2' %onst$tutes a
")o%edu)a# f#a2.

55.   A%%o)d$ng to "a)a. D6 of t(e , e%)u$tment 7)ame2o);' /2$t(t(e e3%e"t$on
of t(e @,)e")esentat$-e' "ane# mem4e)s s(ou#d 4e g)aded e6ua# to o) ($g(e) t(an
t(e "ost unde) %ons$de)at$on0. T(e T)$4una# notes' (o2e-e)' t(at $n #$g(t of t(e
fa%t t(at)e%)u$tment to D*2 "os$t$ons $s go-e)ned 4! t(e +tanda)d >"e)at$ng
P)o%edu)es and not 4! t(e f)ame2o);' t(e Adm$n$st)at$on 2as not #ega##!)e6u$)ed
to (a-e a "ane# e3%#us$-e#! 2$t(mem4e)s at t(e D*2 o) a4o-e #e-e#. T(e ")esen%e
of a D*1 staff mem4e) does not %onst$tute a ")o%edu)a# f#a2 $n t(e se#e%t$on
e3e)%$se.

    + % %   &' $ 0)   ( )
 $)   *

56.   T(e T)$4una# %a)efu##!)e-$e2ed t(e $nte)-$e2 notes and $s %on%e)ned t(at
&). &a)t$ne:*+o#$man d$d)a$se 2$t(t(e "ane# mem4e)s $ssues a4out t(e
A""#$%ant0s "e)fo)man%e at t(e >GC. T(e)e%o)d' name#! t(e (and2)$tten
$nte)-$e2 notes f)om t(e note*ta;e)' s(o2s t(at afte) t(e "ane# mem4e)s' $n%#ud$ng
&). &a)t$ne:*+o#$man' (ad e3")essed t(e$) -$e2 t(at t(e A""#$%ant0s "e)fo)man%e
at t(e $nte)-$e2 2$t( )es"e%t to (e) manage)$a# %om"eten%$es 2as not u" to t(e
standa)d)e6u$)ed. &). &a)t$ne:*+o#$man ment$oned t(at t(e A""#$%ant d$d not
(a-e /a smoot( )$de ꓘat t(e >GCꓡ $n >s#o om131 aof &>end 4ee

att)$4uted to a 4)ea%(of ($s o) (e) su4stant$-e o) ")o%edu)a#)$g(ts and 2(e)e t(e UNDT $s sat$sf$ed t(at t(e st)ess' (a)m o) an3$et! $s su%(as to me)$t a %om"ensato)! a2a)d0 .   2013*UNAT*30C1.

6B.   T(e A""#$%ant ga-e e-$den%e of t(e st)ess %aused to (e) 2(en s(e 2as $nfo)med t(at &). &a)t$ne:*+o#$man 2as s$tt$ng on t(e $nte)-$e2 "ane#. +(e stated

Conclusion

67.   T(e se#e%t$on e3e)%$se 2as ")o%edu)a##! f#a2ed and t(e A""#$%ant $s ent$t#ed to U+D1.000 as %om"ensat$on fo) mo)a# damages.

6D.   T(e a2a)d of %om"ensat$on s(a## 4ea) $nte)est at t(e Un$ted +tates of Ame)$%a ")$me)ate 2$t(effe%t f)om t(e date t($s Judgment 4e%omes e3e%uta4#e unt$# "a!ment of sa$d a2a)d. An add$t$ona# f$-e "e) %ent s(a## 4e a""#$ed to t(e Un$ted +tates of Ame)$%a ")$me)ate 60 da!s f)om t(e date t($s Judgment 4e%omes e3e%uta4#e.

6C.   A## ot(e) "#eas a)e)e5e%ted.

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Judge Goo#am &ee)an

Dated t($s 21st da! of Ju#! 2016

=nte)ed $n t(e ,eg$ste) on t($s 21st da! of Ju#! 2016

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,enN &. Va)gas &.' ,eg$st)a)' Gene-a