
Case No.: UNDT/GVA/2010/066

Judgment No.: UNDT/2011/113

Date: 24 June 2011

English



13. On 3 February 2010, the Applicant filed an application before the United Nations Dispute Tribunal. On 8 March 2010, the Respondent submitted its reply to the application. On 12 May 2010, the Applicant submitted his observations.

14. On 4 May 2011, a hearing was held in the presence of the Applicant and the Counsel for the Respondent. Following the heari

tier candidates were considered under the same conditions as if the APPB had held a special postings session;

d. Contrary to what is maintained by the Applicant, managers are not

18. According to paragraph 24 of the APPB Procedural Guidelines, of which there is no official translation in French:

(a) Staff members submit their applications to the APPB Secretariat, DHRM within three weeks of publication of the Compendium/Addendum.

...

(c) Managers submit their recommendations to the APPB Secretariat (through the Director concerned for P-4 posts and above) within four weeks of receipt of the list of candidates.

19. The facts as set forth above show that the Representative, who performed the role of manager within the meaning of the provisions cited above, initially failed to recommend the Applicant for the position in question and recommended three other staff members. However, the APPB, having decided at its session from 29 June to 1 July 2009 not to recommend any of the candidates proposed by the Representative, resolved that the vacancy would be considered at its next session.

20. Although DHRM again informed the Representative that it considered the Applicant to meet all the requirements for the position, the Representative again refused to recommend him, and recommended two other candidates, including the one who was eventually appointed to the position.

21. While it follows from the APPB Procedural Guidelines, on the one hand, that the APPB may recommend to the High Commissioner the appointment of an eligible candidate not recommended by the manager and in

Entered in the Register on this 24th day of June 2011

(Signed)

Víctor Rodríguez, Registrar, Geneva