

1. The Applicant contests his non-selection for the post of Chief of Vehicle Regulation and Transport (non)attribution +P\$5, - "th the Transport Director's on United Nations Economic Commission for Europe +/UN.C.O, ad)et"sed unde% Jo1 2 en"ng +/J20, 13\$.C2\$.C.\$33201\$ '\$Gene)a + ' ,.

2. As remedied the Applicant sees to benefit from a fair merit-based and transparent selection process at each stage as well as from financial commitment.

3. The post of Chief of Transport Director's on UN.C. - as published from 15 May to 13 July 2013 unde% J2 13\$.C2\$.C.\$33201\$ '\$Gene)a + ' ,. The Applicant applied on 17 June 2013.

3. Pending recruitment under the aforementioned J2 the post - as also advertised under Tem o%a%6 Va#an#6 Announ#ement +/TVA0, TVAS13\$.C.\$037. On 17 July 2013 the Applicant - as selected for the TVA effect) on 28 July 2013 and discharged his duties until December 2013. The Director of Transport Director's on UN.C. & the Applicant's superior and : "ng 5 anage% for the filling of the J2 stated in a memorandum of 17 July 2013 that she had made it clear to the Applicant that his selection on the TVA did not constitute a promise for his selection for J2 13\$.C2\$.C.\$33201\$ '\$Gene)a + ' ,.

5. Ten candidates were shortlisted regarding J2 13\$.C2\$.C.\$33201\$ '\$

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Case No. UNDT/GVA/2015/130

Judgment No. UNDT/2016/203

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to inform his of the subsequent functions. Under the more the A !ant - as
made a - a e that his selection on the TVA - as no "om"se o "nd"at"on of
his eventual selection under the J2; and

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attributed to each name. Under the provisions of article 11 of the annexed memorandum, the Admnistrator's Assistant conducted the ratings 16 days after the release of the four assessors to each candidate. Fastly, she advised a list showing the candidates' names and the respective final marks. The respondent submitted that, in response to her letter of 5 August, no and other annexed memorandum - the candidates of the candidates - held the - the grading the tests.

30. During the Tribunal's investigation to the Commission's - her 16 the different annexed memoranda sent the scores to the affected Admnistrator's Assistant, most of them would not be included. Therefore, the respondent's final amount would not be considered 16 documents. In addition, the Admnistrator's Assistant conducted the test and stated that the respondent's - as "indeed followed in the same - a list of names done in and selection - in the Director's office. She also informed that, to the best of her knowledge, none of the annexed memoranda would have dealt about the ratings given 16 the other assessors' letter attributed to her - on.

31. The latter - as respondent's - the "5 August" grading sheet contained observations that would have led to a conclusion that she took cognizance of the respondent's ratings of the candidates - when she attributed her grades. She also noted for the next to each of those candidates that - eventually - "noted for an interview" - saying that the "5 August" said in addition that the comment for the interview - 0 reflected nothing else than her opinion on that the concerned candidates met the standards to progress to the next stage of the assessment. This also acts as a justification.

32. Accordingly, the Tribunal finds that the respondent's - to administer the - the test - as advised to the candidates' anonymity. The respondent has made a statement showing that the Applicant's candidate - as far as the respondent's - in the treatment of the respondent's - . As a response to the respondent's statement that the administration of the test - as equally - a list of names - and the inclusion of the Applicant's - to demonstrate the respondent's.

The Hiring Manager's ratings

33. The Applicant feels strongly that when the name of the codes were used the : "ing 5 anage #ou'd ha)e e#ogn"sed h's test through h's - "ting st6:e& as the6 had been - o%4"ng togethe% fo% a fe - 6ea% at that o"nt and& as he% manage&& she had often %ead - %"tten - o%4 he %odu#ed. Dh"le the : "%ing 5 anage% %eto%ted that she - ou!d be unal!e of %ememle%"ng the st6:e of ea#h of he% nume%ous su e%)"sees& the A !"#ant stressed that 1a%e!6 ten #and"dates sat the test and he - as the sole one a!%ead6 se%)"ng at the T%ans o%t D")"s"on; hen#e& the : "%ing 5 anage% on!6 had to %e#ogn"se h"m amongst ten.

33. (t "s a %o %"ate to %e#a!! that the *e#%eta%6\$Gene%a! en?o6s - "de d"s#%et"on "n matte% of sele#"on and %omot"on. (t "s a -e!! settled %"n#" !e that the T%"luna!%s %o!e "s not to su!st"tute "ts o - n ?udgment to that of the Adm"n"st%at"on +see e.g.& Abassi

3A. As to the fact that the one name mentioned has an