# Introduction

sent an e7ma% to t+e 6.C\* .-\* DC 5 \* %nd%&at%ng\* inter alia\* t+at a mo)e deta%sed &om#a)at%2e ana\$"s%s of a\$\$ &ons%de)ed )oste)ed &and%dates , as needed.

- The D71 #ost of Chief\* .-\* DC 5=2a&ant sin&e 1 August 2013=, as the third than the distribution of the Deffective of the Under the
- 8. !" a 3Note de se)2%e4 dated 3 6&to(e) 2013 )efe))%ng to t+e \$oan of t+e #ost of C+%ef\* .-\* to DGAC 5 unt% 30 June 2014\* t+e D%)e&to)\* DC 5\* announ&ed t+at t+e )es#ons%(%%t" fo) t+e .nte)#)etat%on -e)2%e f)om 4 6&to(e) 2013 t+)oug+ 30 June 2014 , ou%d (e ass%gned to f%2e C+%efs of -e&t%on\* .-\* fo) #e)%ods of a##)o@%mate\$" t, o mont+s ea&+. T+e)efo)e\* fo) t+e f%)st #e)%od = f)om 4 6&to(e) 2013 t+)oug+ : De&em(e) 2013 = t+e )es#ons%(%%t" , as ass%gned to one of t+e C+%efs of -e&t%on\* .-\* DC 5 . 6n 3 De&em(e) 2013\* t+e D%)e&to)\* DC 5\* de&%ded t+at sa%d C+%ef of -e&t%on , ou%d &ont%nue to se)2e as 36.C of t+e A.-B unt% t+e se%e&t%on of t+e ne , C+%ef of -e)2%&e4.
- C. ! " memo)andum of 2C No2em(e) 2013 add)essed to t+e -e&to)a\$ Assem(\$" of UN6G -taff .nte)#)ete)s\$ DC 5\$ t+e Unde) -e&)eta)"7Gene)a\$ DGAC 5\$ &on2e"ed t+e )easons fo) t+e de&\$s\\$on to tem#o)a)\\$\\$" \\$oan t+e D71 #ost of C+\\$ef\\$ .-\$ DC 5\$ to DGAC 5 . <e fu)t+e) noted t+at \\$n 2\\$e , of t+e &on&e)ns e@#)essed (" staff to ensu)e &ont\\$nu\\$t" \\$t +ad (een ag)eed to a##o\\$nt one 6.C\$ .-\$ UN6G\$ fo) t+e ,+o\\$e du)at\\$on of t+e \\$oan and stated t+at a\\$\\$ C+\\$efs of -e&t\\$on\\$ .-\$ DC 5\$ , e)e &om#etent to a\\$t as 6.Cs du)\\$ng t+at #e)\\$od.
- 10. 6n C De&em(e) 2013\* t+e C+%ef of -e&t%on\* e@#\$%&\t\$" a&t\ng as 36 ff\&e)7\n7 C+a)ge .nte)#)etat\no -e)2\\deltae\* DC 5 4\text{\* sent a memo}andum to <9 5 -\text{\* UN} 6G\text{\*}

se\se\ted \text{\text{and}\text{\text{date}}} and a fema\text{\text{e}} \text{\text{and}\text{\text{date}}} ot+e) t+an t+e A##\text{\text{\text{\text{date}}}} ant\text{\text{fo}}) se\text{\text{\text{e}}\text{\text{t}\text{o}}} to t+e t, o #osts o#ened unde) sa\text{\text{d}} J6.

- 11. 6n 10 De&em(e) 2013\* t+e D\()e&to\) of Adm\()n\()st\) at\()on^\* UN 6G\()st\) ansm\()tted t+e \))e&ommendat\()on fo\) t+e t, o \() wosts o\() ened unde\) J 6 1378AN7UN 6G72 6 7 97G0N0VA \(/81\)\* \(\)\()n\()\()st\) of t+e \()\()ste\))ed \(&and\()dates\)\* to t+e A\(&t\)\()ng D\()\()e\()to\))7Gene)a\()s\(^\*\) fo\) t+e \(f\)\()na\()\() se\()e\()t\), as an \()nteg\()a\()\() \(+e\) su(m\()ss\()on to t+e A\()t\()ng D\()\()e\()e\()to\))7Gene)a\()s\(.)
- 12. 6n 12 De&em(e) 2013\* t+e A&t\ng D\)e&to)7Gene)a\\$ se\\$e&ted t+e t, o )e&ommended &and\dates fo) t+e t, o #osts. T+e", e)e not\f\edge of t+e\) se\\$e&t\on on 13 De&em(e) 2013. T+e A##\\$\&ant (e&ame a, a)e of t+\s de&\\$\ondownon ,+en s+e \\$ogged \nto +e) .N-P.9A a&&ount on 13 De&em(e) 2013.
- 13. 6n 20 De&em(e) 2013\* t+e A##\$\&ant su(m\tted a )e; uest fo) management e2a\undamathan of t+e de&\undamathan to se\undamathan t, o ot+e) \undamathan and\undamathan dates fo) t+e t, o #osts o#ened unde) t+e a(o2e7)efe)en\undamathan d6.

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- 1C. T+e 9es#ondentDs #)\\n&\\#a\\))e\\e2ant &ontent\\\ons a)e>
  - a. Ne\( \text{t+e} \) t+e fa\( \text{t} \) t+at a \( \text{t+at} \) a \( \text{t-at} \) a \( \text{t-at} \) a \( \text{t-at} \) b \( \text{t-at} \) a \( \text{t-at} \) b \( \text{t-at} \) a \( \text{t-at} \) b \( \text{t-at} \

  - &. T+e A##ea\$s T)\(\(\text{una}\) +e\(\text{d}\) t+at 3\(\text{tB}\)+e -e\(\text{e}\))eta)\(\)"7Gene)a\(\text{enEo}\)"s ()oad d\(\text{s}\)\(\text{enNon fine}\) se\(\text{e}\)\(\text{thon matte}\))s and \(\text{t}\) is not t+e fun\(\text{thon of t+e UNDT o}\) At+e A##ea\(\text{s}\) T)\(\text{una}\)\(\text{thon fine}\) is not t+e a(sen\(\text{e}\) of e2\(\text{den}\(\text{e}\) of (\(\text{sa}\)\) d\(\text{s}\)\(\text{thon matte}\))" #\(\text{a}\)\(\text{thon fine}\) is a (st\)\(\text{tute}\) is Eudgment fo) t+at of t+e -e\(\text{e}\)) eta)\(\text{togan}\)"7Gene)a\(\text{4}\)/Bofill 20137UNAT73831?
  - d.  $T+e)efo)e^*$  t+e T)%(una% % \$%m%ted to e@am%ne , +et+e) <math>t+e #)o&edu)e , as #)o#e)\$" fo\$0 , ed and , +et+e) t+e A##\$%&ant , as g%2en fa%) and ade; uate &ons%de)at%on? a se\$e&t%on de&%s%on 3s+ou\$d (e u#+e\$d , +en &and%dates +a2e )e&e%2ed fu\$0 and fa%) &ons%de)at%on\* , +en d%s&)%m%nat%on

t+e)e , e)e s\@ ot+e) )oste)ed and )e&ommended &and\\dates = \\n&\\u00e4ud\\ng t+)ee fema\\end{area} &and\\dates = t+e ; uest\\no , +et+e) t+e A##\\\&ant , ou\\u00e4d +a2e (een se\\u00e8\\u00e4ted \\nstead of t+e se\\u00e8\\u00e4ted \\u00e8and\\u00e4date \\u00e8s s\\u00e4e\u00e4ust\u00e42e?

- E. T+e 9es#ondent met t+e standa)d set (" t+e A##ea\$s T)% (una% n Eudgment Rolland /20117UNAT71221 to maFe a m%n%n & and %0 & and %1 & and %1 & and %1 & and %2 & and %1 & and %2 & and %3 & and %3 & and %4 & and %3 & and %4 & and %
- 20. T+e su&&essfu\$ &and\$date\$, +o , as Eo\$ned to t+e a##\$\$&at\$on unde) a)t. 11 of t+e T)\$(una\$Ds 9u\$es of P)o\$edu)e\$ a\$\$eges t+at +\$s ; ua\$\$\$\f\$\\$&at\$\$ons and e@#e)\$en&e a)e su#e)\$o) to t+ose of t+e ot+e) )oste)ed &and\$dates and t+at +e fu\$\$\$\f\$\\$\$ a\$\$\$ t+e )e; u\$\$)ements of t+e #ost.

### Consideration

21. T+e T)%(una% )e&asss t+e Eu)%#)uden&e of t+e A##eass T)%(una% %n a##o%ntment and #)omot%on matte)s\* ,+e)e(" a sese&t%on de&%s%on s+ou\$d (e u#+e\$d ,+en &and%dates +a2e )e&e%2ed fus% and fa%) &ons%de)at%on\* ,+en d%s&)%m%nat%on and (%as a)e a(sent\* ,+en #)o#e) #)o&edu)es +a2e (een fos%o, ed and ,+en as%)e&e2ant mate)%as +as (een taFen %nto a&&ount /Rolland 20117UNAT7 122? Charles 20137UNAT72861. .n add%t%on\* t+e A##eass T)%(unas +as &sa)%f%ed t+at t+e 3d%)e&t effe&t of an %))egu\$a)%t" , %ss ons" )esust %n t+e )es&%ss%on of t+e de&%s%on not to #)omote a staff mem(e) ,+en +e o) s+e , ou\$d +a2e +ad a skgn%f%ant &+an&e fo) #)omot%on. G+e)e t+e %))egu\$a)%t" +as no %m#a&t on t+e status of a staff mem(e)\* (e&ause +e o) s+e +ad no fo)eseea(\$e &+an&e fo) #)omot%on\* +e o) s+e %s not ent%t\$ed to )es&%ss%on o) &om#ensat%on4 2.213(#) -0.48820.839844(15 (t) -2.16797(%) -2.16797(or

## OIC, IS and Hiring Manager

- 23. G%t+ )es#e&t to t+e #e)son , +o a&ted as <\)\ng 5 anage)\(^\*\) t+e 9es#ondent a)gues t+at a C+\notine{\text{ef}} of -e&t\notine{\text{on}} &ou\nambda \notine{\text{sgmth}} t\notine{\text{mate}\notine{\text{o}}}" (e a##o\nted as 6.C\(^\*\).-\(^\*\)\nn a&\(^\*\)\notine{\text{o}} dan\(^\*\)\notine{\text{ef}} of -e&t\notine{\text{on}} &ou\nambda \notine{\text{sgmth}} t\notine{\text{mate}\notine{\text{om}}}" (e a##o\nted as 6.C\(^\*\).-\(^\*\)\nn a&\(^\*\)\notine{\text{om}} a\(^\*\)\notine{\text{eff}} )u\(^\*\)\notine{\text{eff}} and f)om t+e)e de)\(^\*\)2e +\notine{\text{s}} &a#a\(^\*\)t" to a\(^\*\) t as <\(^\*\)\nng 5 anage)\(^\*\) in t+e se\(^\*\)\notine{\text{eff}} on t)o\(^\*\)\notine{\text{eff}} and f)om t+e)e de)\(^\*\)2e +\notine{\text{s}} &a#a\(^\*\)t" to a\(^\*\) t as <\(^\*\)\nn anum billion for the f\(^\*\) and f)o\(^\*\) the \(^\*\) anage and \(^\*\) the algorithm anum billion for the f\(^\*\) anage and \(^\*\)\notine{\text{eff}} anage and \(^\*\)\notine{\text{eff}} and \(^\*\)\notine{\text{eff}} anage and \(^\*\)\notine{\text{eff}} anag
- 24. T+e T)% (una%, %s+es to em#+as%He t+at %t )esu\$ts f)om 2a)%ous #)o2%s%ons of -T/A./2010/3/Amend. 1 t+at t+e <%)%ng 5 anage) #\$a"s an %m#o)tant )o%e at a\$\$ t+e

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dutles (e &\ea)\s" def\ned aga\nst an existing #ost. .n ot+e) , o)ds> , +e)e t+e)e \s no #ost\text{\* t+e #os\t\no of an 6.C \sakers \text{\*ts essent\text{\*a}\sigma fundament.}

- 31. T+e T)\(\(\text{una\}\) notes t+at t+e Adm\(\text{n\}\)st\(\text{st}\) a \(2\)st\(\text{le}\) t +e D71 \(\text{most}\) of C+\(\text{lef}^\*\) .-\* , as st\(\text{st}\)\\$ a2a\(\text{lag}\)a (\(\text{le}^\*\) and t+e need of se)2\(\text{lag}\)& & \(\text{cont\}\)nued to e@\(\text{lst}\) o)\(^\*\) as \(^\*\) t , as t+e \(^\*\)ase\* t+e D71 \(^\*\)most , as tem\(^\*\)eo)a\(^\*\)\(\text{log}\) \(\text{log}\) \(\text{log}\) \(\text{log}\) \(\text{log}\) as \(^\*\)t , as t+e \(^\*\)ase\* t+e D71 \(^\*\)most , as tem\(^\*\)eo)a\(^\*\) \(^\*\) \(^\*\) soaned to DGAC 5 . Unde) t+e fo)me) s\(^\*\)end\(^\*\) t+e date \(^\*\)most \(^\*\)eos\(^\*\) as \(^\*\)t +e D71 \(^\*\)most \(^\*\)t+e Adm\(^\*\)n\(^\*\)st\(^\*\) as \(^\*\)eos\(^\*\) as \(^\*\) then \(^\*\) as \(^\*\)eos\(^\*\) as \(^\*\)eos\(^\*\) and\(^\*\)eos\(^\*\) as \(^\*\)eos\(^\*\)eos\(^\*\) as \(^\*\)eos\(^\*
- 32. .n 2%e, of t+ese &ons%de)at%ons\* t+e T)%(una% &on&\$udes t+at %n t+e #)esent &ase\* %n t+e a(sen&e of a D71 #ost aga%nst , +%&+ an  $6.C^*$  .-\* &ou\$d +a2e (een \$ega\$\$" a##o%nted\* t+e C+%ef of -e&t%on \$a&Fed t+e \$ega\$ aut+o)%t" to a&t as <%)%ng

<sup>-</sup>e&. 3 of -T/A./2010/4/9e2.1 #)o2\des> Tem#o)a)" Eo( o#en\ng\ se\e&t\one and a##o\ntment #)o\dess\ Tem#o)a)" Eo( o#en\ng\ se\edse\ tan t+)ee mont+s (ut \dess t+an one "ea) \s ant\delta\ #ated\ a tem#o)a)" Eo( o#en\ng s+a\delta\ (e \ssued ("t+e #)og)amme manage).

3.2 G+\delta\ e t+e de\delta\ son to \delta\ sue a tem#o)a)" Eo( o#en\ng fo) a need fo) se)2\delta\ e fo) t+)ee mont+s o) \delta\ ss made at t+e d\delta\ e \delta\ e \delta

5 anage) fo) t+e &ontested #ost. 6n t+at g)ound a\sone\* t+e se\se\text{\u00e4}\text{\u00e40n de\text{\u00e4\u00e4\u00e45\u00e40n \u00e45\u00e45\u00e460n \u00e45\u00e45\u00e460n \u00e45\u00e460n \u00e45\u00e46\u00e46\u00e45\u00e460n \u00e45\u00e46\

Gender equality under ST/ I/!"""/"

- 33. T+e T)% (una\\$ no , tu)ns to t+e ; uest%on of , +et+e) t+e se%e&t%on de&%s%on , as taFen %n 2%o%at%on of t+e te)ms of -T/A./1CCC/C /-#e&%a\$ measu)es fo) t+e a&+%e2ement of gende) e; ua%t"1. T+e 9es#ondent &on&eded at t+e +ea)%ng t+at t+%s adm%n%st)at%2e %nst)u&t%on a##\$%ed to t+e &ase at +and. 5 o)e %m#o)tant\$"\* t+e T)% (una\\$ notes t+at t+e memo)andum of 10 De&em(e) 2013 of t+e D%)e&to)\* D%2%s%on of Adm%n%st)at%on\* to t+e A&t%ng D%)e&to)7Gene)a\$\* states t+at 3AaBs of 18 6&to(e) 2013\* t+e )e#)esentat%on of , omen %n a\$% &atego)%es at UN 6G %s 4 K\* and t+e )e#)esentat%on of , omen %n sen%o) P)ofess%ona\$ #os%t%ons %s 41.: K4. .t fo\$%o , s t+at t+e :0K )e#)esentat%on of , omen %n t+e P)ofess%ona\$ &atego)"\* , +%&+%s t+e goa\$ set do , n (" -T/A./1CCC/C\* +as not (een atta%ned\* ne%t+e) , %t+%n t+e .-\* no) , %t+%n UN 6G.
- 34. T+e)efo)e\* t+e T)%(una\$ +as to e@am\ne , +et+e) t+e )e\se2ant se\chit\nons of t+at adm\n\st)at\se2e \nst)u\chit\nons +a2e (een \chio))e\chit\nons a##\ne to t+e \chiase at +and. -e\chit\nons 1.8/al of adm\n\st)at\se2e \nst)u\chit\nons -T/A./1CCC/C #)o2\ne des t+at>

36. T+e T)% (una% notes t+at t+e ; ua%%f%&at%ons of t+e A##\$%&ant\* , +o , as a )oste)ed &and%date\* 3mat&+AedB t+e )e; u%)ements fo) t+e 2a&ant #ost4 +en&e\* , +en

- 3C. G %t+ )es#e&t to t+e )e;u%)ement of 3su##o)t%ng do&umentat%on4\* t+e 9es#ondent &onf%)med t+at on\$" t+e P<Ps of t+e &and%dates )e&ommended fo) se%e&t%on , e)e atta&+ed\* %n add%t%on to some fo)ma% do&uments\* su&+ as t+e J6. .n fo%o , s t+at e.g. t+e P<P of t+e A##\$%&ant , as not su(m%tted to t+e A&t%ng D%)e&to)7Gene)a%.
- 41. .n 2%e, of t+ese t, o #)o&edu)a\$ %))egu\$a)%t%es\* %t %s not ne&essa)" fo) t+e T)%(una\$ to assess ,+et+e) t+e)e a)e add%t%ona\$ &ont)a2ent%ons )ega)d%ng se&. 1.8/a1 of -T/A./1CCC/C. .t %s suff%&%ent to a&Fno ,\$edge t+at t+e A##\$%&ant\* (e\ng a )oste)ed &and\%date\* +ad a s\\%gn\%f\%ant &+an\&e to (e se\%e\&ted fo) t+e #ost. T+e)efo)e\* t+e &ontested de\%s\%on +as to (e )es\%nded\* as )e;uested (" t+e A##\$%&ant.

#### Consequences of the rescission

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44. .n t+e &ase at +and\* t+e T)%(una% +as de&%ded to )es&%nd t+e se%e&t%on de&%s%on on t+e (as%s of t, o #)o&edu)a% %))egu%a)%t%es\* to , %t\* t+e fa&t t+at t+e <%)%ng 5 anage) aFed t+e aut+o)%t" to a&t as aFed t+at no , )%tten ana%"s%s and a##)o#)%ate aFed t+e aut+o)%t" to a&t as aFed t+at no , )%tten ana%"s%s and a##)o#)%ate aFed t+e aut+o)%t" to a&t as aFed t+at no , )%tten ana%"s%s and aFed t+at no , )%tten ana%"s%s ana , )%tten ana%"s%s and aFed t+at no , )%tten ana%"s%s ana , )%tten ana%"s%s ana , )%tten ana%"s%s ana , )%ten ana%"s%s ana , )%ten ana , )%tten ana , )%tten ana , )%ten a

Eust\f'\ng an a, a)d of mo)a\square damages\square\nn t+e amount of U-D4\square\no\chieq f. Mal&stro\delta et al. 20137UNAT73: ? de\delta agic et al' 20137UNAT73: C1.

### Conclusion

- 46. .n 2%e, of t+e fo)ego\ng\state t+e T)\(\maxtrm{\text{(una\}D0C.D0->}
  - a. T+e de&\s\omega\n on to se\set t+e se\set added and\data fo) one of t+e #osts adde)t\sed unde) J6 1378AN7UN6G72 6 797G0N0VA /81 /P7: \sed e2e\square \square se\n\data added?
  - (. .n &ase t+e 9 es#ondent e%e&ts to #a" &om#ensat%on %nstead of t+e )es&%ss%on\* t+e amount of &om#ensat%on to (e #a%d to t+e A##%ant %s set at U-D2\*000?
  - &. .n add%t%on\* t+e Adm%n%st)at%on s+a\$\$ #a" t+e A##\$%&ant t+e e;u%2a\$ent of U-D4\*000 fo) mo)a\$ damages?
  - d. T+e afo)ementhoned &om#ensathon s+a\$\$ (ea) %nte)est at t+e Un%ted -tates #)%me )ate , %t+ effe&t f)om t+e date t+%s Judgment (e&omes e@e&uta(\$e unt%\$ #a"ment of sa%d &om#ensathon. An add%thona\$ f%2e #e) &ent s+a\$\$ (e a##\$%ed to t+e Un%ted -tates #)%me )ate 60 da"s f)om t+e date t+%s Judgment (e&omes e@e&uta(\$e?
  - e. A\$\$ ot+e) &\$a\s a)e )eEe&ted.

/Signed1

Judge T+omas 8aFe)

Dated t+\s 1Ct+ da" of June 2014

Case No. UNDT/GVA/2014/003 Judgment No. UNDT/2014/068