

Introduction

1. The Applicant contests the decision dated 27 May 2010 not to select him for the P-5 post of Chief of the Publishing Section, in the Department of General Assembly and Conference Management (“DGACM”).

2. He claims compensation for the harm resulting from the unlawfulness of that decision.

Facts

3. The Applicant joined the United Nations on 10 January 1986. On the date of the contested decision, he encumbered the P-4 post of Chief of the Printing Section, in the Publishing Service, at the United Nations Office in Geneva.

4. On 22 February 2007, the P-5 post of Chief of the Publishing Section, in the Meetings and Publishing Division, DGACM, wasP

9. The Applicant applied on 9 February 2010 and was invited to an interview on 22 March 2010 after taking a written test on 19

candidate had made two lateral moves. The documents produced by the Respondent do not reveal the duration of his reassignment in 2002 and the so-called lateral move in 2004 was in fact the extension of a special post allowance. The personnel action forms placed on record do not show any lateral moves;

c. The selected candidate did not meet the criteria set out in the vacancy announcement as regards the work experience required. The documents produced by the Respondent do not establish with any certainty that the selected candidate had 10 years of progressively responsible experience. In addition, he had been Deputy Chief of the Publishing Section for only two years and thus did not meet the requirement of three years' experience at the managerial level in printing/publishing, media or graphic design. The Respondent has not explained wh

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15. The Respondent's contentions are:

a.

Translated from French

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that category, before being eligible to be considered for promotion to the P-5 level, subject to the following provisions:

(a) In order to meet the General Assembly's concern about high vacancy rates in some regional commissions and duty stations, particularly those in developing countries, the requirement shall be reduced to one lateral move when a staff member has served in the Professional category in Nairobi or a regional economic commission other than the Economic Commission for Europe for one year or longer, or when a staff member is applying for a P-5 position at those duty stations from another duty station;

(b) Staff recruited at the P-4 level shall become eligible for promotion to P-5 after one lateral move at the P-4 level;

(c) Cumulative service for a total period of one year or longer on mission or other temporary assignment with or without SPA shall also qualify as one lateral move.

20. According to the terms of the administrative instruction, a lateral move is a "move to a different position at the same level for a duration of at least one year. The new position may be in the same or a different department or office, in the same or a different duty station and in the same or a different occupational group".

21. The documents placed on record by the Respondent show that the candidate selected, who previously worked in the News and Media Division of the Department of Public Information, was reassigned effective from 1 September 2002 with no change in level to the United Nations Publications Sales and Marketing Section within the Library and Information Resources Division, in the same Department, and that he remained in that Section until he was promoted to the next level in September 2006. Thus this reassignment must be considered as a lateral move within the meaning of the provisions cited above.

22. ST/AI/2006/3/Rev.1 also specifies that "temporary assignments of at least three months but less than one year with or without special post allowance ... shall also qualify as a lateral move when the cumulative duration of such assignments reaches one year".

23. In this case, the selected candidate was assigned,

