
UNDT/NY/2015/017

Order No.: 56 (NY/2016)

Date: 29 February 2016

Original: English

Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

AL-MIDANI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON WITHDRAWAL

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

Sarahi Lim Baró, ALS/OHRM, UN Secretariat

Introduction

1. On 10 March 2015, the Applicant, a Public Information Assistant at the G-6 level serving on a permanent appointment in the Department of Public Information, filed an application contesting the decision not to select him for the position of Senior Editorial and Desktop Publishing Assistant (Arabic) in the Department of General Assembly and Conference Management. He contends, in essence, that the selected candidate did not have the minimum required professional experience and that the results of the recruitment exercise were predetermined. The Applicant seeks rescission of the contested decision or, in the alternative, compensation for the loss of higher salary, as well as compensation for non-pecuniary harm.

2. The Respondent submitted his reply on 10 April 2015, stating that the application is without merit in that the Applicant was fully and fairly considered for the position, the selected candidate met all the eligibility requirements, and the selection exercise fully complied with ST/AI/2010/3 (Staff selection system).

3. By Order No. 65 (NY/2015), dated 14 April 2015, the Tribunal directed that the case join the queue of pending cases and await assignment to a judge in due course.

4. The case was assigned to the undersigned Judge on 13 January 2016.

5. By Order No. 22 (NY/2016), dated 29 January 2016, the Tribunal directed the parties to file, by 19 February 2016, a jointly-signed statement responding under separate headings to a number of issues.

6. On 18 February 2016, Counsel for the Applicant (Office of Staff Legal
hdraw OSLA representation.

that the issues raised in the internal appeal were determined by [ILOAT] Judgment 2538. As explained in [ILOAT] Judgment 2316, under 11:

Res judicata operates to bar a subsequent proceeding if the issue submitted for decision in that proceeding has already been the subject of a final and binding decision as to the rights