

1. The applicant submitted an email on 29 December 2014 and through the
Tribunal's e-filing system on 2 January 2015. The applicant is a staff member of the
United Nations Human Resources Management Commission (HRM) and contests the
decision of the HRM Commission (not to promote) from P44 to P45
effective during the 2014 Promotions Session.

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2. It is noted that the facts and grounds of appeal are (s) 5.287729((s)5.287716.4682(P)12.(s)5.28772(s)-

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10. The six (6) PP members gave the Applicant the following findings among the evidence and dates of promotion to the P45 level: 66-69-A5-1, 7-151 and 154. The Director stated that the Applicant's mean of the

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2. During the hearing on the merits, the Applicant admitted the submissions made on the spot by the respondent in the aforementioned cases. The Counsel for the respondent stated that the Assistanse-Inso a(as t)e" : e(e (e5ant to)e(&ase.

24. On 29 January and 4 February 2016, the respondent and the Applicant (es#e&t5e"- %\$ed additona\$ su 'missions- : %t) \$ea5e (om t)e T(% 'una\$.

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e. The Applicant asked to demonstrate an educational process in the implementation of the Promotions Policy that would account for the contested decision in a timely manner.

%. The Promotions Policy does not require that Promotions sessions be held every year.

%. The High Commissioner is not bound by the recommendations

Overview of the Promotions Policy

29. Unless otherwise specified on an individual basis, the UNCT/ staff members in the International Professional Category ("IP") are selected on the basis of merit and need for the organization. The selection process is based on the following criteria: (a) the candidate's qualifications, (b) the candidate's experience, (c) the candidate's performance, (d) the candidate's potential, and (e) the candidate's availability. The selection process is based on the following criteria: (a) the candidate's qualifications, (b) the candidate's experience, (c) the candidate's performance, (d) the candidate's potential, and (e) the candidate's availability. The selection process is based on the following criteria: (a) the candidate's qualifications, (b) the candidate's experience, (c) the candidate's performance, (d) the candidate's potential, and (e) the candidate's availability.

30. The Promotions Policy was adopted on 5 June 2014 (under article 11 of the Staff Regulations and Rules of the United Nations Secretariat) and is contained in the Staff Regulations and Rules, Part 2, Rule 13. Pursuant to the Policy, the Joint Commission (hereinafter "the Commission") shall determine the number of posts in the IP and D41 grades to be filled in each of the categories of the JAC. The Commission shall also determine the number of posts in the IP and D41 grades to be filled in each of the categories of the JAC. The Commission shall also determine the number of posts in the IP and D41 grades to be filled in each of the categories of the JAC. The Commission shall also determine the number of posts in the IP and D41 grades to be filled in each of the categories of the JAC.

31. The Promotions Policy shall be applied to the staff members who are eligible for promotion. The staff members who are eligible for promotion are those who have completed the minimum service requirements and who are in the IP and D41 grades. The staff members who are eligible for promotion are those who have completed the minimum service requirements and who are in the IP and D41 grades.

32. To advance from the first round to the second round, a candidate must satisfy the following conditions: (a) the candidate must be in the IP or D41 grade, (b) the candidate must have completed the minimum service requirements, (c) the candidate must have a minimum number of years of service in the IP or D41 grade, (d) the candidate must have a minimum number of years of service in the IP or D41 grade, and (e) the candidate must have a minimum number of years of service in the IP or D41 grade. The candidate must also satisfy the following conditions: (a) the candidate must be in the IP or D41 grade, (b) the candidate must have completed the minimum service requirements, (c) the candidate must have a minimum number of years of service in the IP or D41 grade, (d) the candidate must have a minimum number of years of service in the IP or D41 grade, and (e) the candidate must have a minimum number of years of service in the IP or D41 grade.

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and the Tribunal found that the Tribunal's decision in the case of *UNAT/2014/4045* (a. 113) does not apply to the present case. The Tribunal's decision in *UNAT/2014/4045* (a. 116) is also not applicable to the present case. The Tribunal's decision in *UNAT/2014/4045* (a. 116) is also not applicable to the present case.

4. The Tribunal notes that the Applicant's claim is based on the fact that the Applicant was not promoted to the position of *UNAT/2014/4446* (a. 113) as a result of the Applicant's performance. The Tribunal's decision in *UNAT/2014/4093* is also not applicable to the present case.

44. The Tribunal notes that the Applicant's claim is based on the fact that the Applicant was not promoted to the position of *UNAT/2014/4446* (a. 113) as a result of the Applicant's performance.

a. The Tribunal's decision in *UNAT/2014/4446* (a. 113) is also not applicable to the present case.

b. The Tribunal's decision in *UNAT/2014/4446* (a. 113) is also not applicable to the present case.

c. The Tribunal's decision in *UNAT/2014/4446* (a. 113) is also not applicable to the present case.

d. The Tribunal's decision in *UNAT/2014/4446* (a. 113) is also not applicable to the present case.

45. The Tribunal's decision in *UNAT/2014/4446* (a. 113) is also not applicable to the present case.

* whether the Promotions Policy was applied retroactively

46. The Tribunal's decision in *UNAT/2014/4446* (a. 113) is also not applicable to the present case.

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During the 2011, Promotions Session, the Applicant and the Respondent were both present and participated in the same session. The Applicant and the Respondent were both present and participated in the same session.

A sentence on a Promotions Session in 2012

51. The Applicant raises the issue that the Applicant was not present at the Promotions Session in 2012- so the 2011, Promotions Session (see the "Evidence" section of the Report of the Promotions Panel). The Respondent submits that it is not required to attend a Promotions Session (see the "Evidence" section of the Report of the Promotions Panel).

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Composition of the 6PP

71. The Applicant submits that the 6PP : as not constituted as some of its members selected on the basis of their professional qualifications into the Joint / Panel : as the Panel is a group of independent and 6PP members selected on the basis of their professional qualifications. The respondent submits that the 6PP members' tenure : as set out in Article 4. of the PoS.

72. Article 4. of the PoS provides that

The tenure of the Panel shall be one year for the Panel and one session adding the same term. The Panel shall not be re-elected.

73. The Panel is composed of 6PP members : elected by the Board to serve on the Panel for a period of one year and to be re-elected for a period of one year.

74. The Panel shall be composed of 6PP members : elected by the Board to serve on the Panel for a period of one year and to be re-elected for a period of one year. The Panel shall be composed of 6PP members : elected by the Board to serve on the Panel for a period of one year and to be re-elected for a period of one year.

Constitution of the Panel

75. The Applicant alleges that some 6PP members : elected on the basis of their professional qualifications into the Panel : as the Panel is a group of independent and 6PP members selected on the basis of their professional qualifications. The respondent alleges that the Applicant has added no evidence in support of its claim that the Panel is not constituted as some of its members selected on the basis of their professional qualifications into the Panel : as the Panel is a group of independent and 6PP members selected on the basis of their professional qualifications.

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Promotions Postponement : as to the assessment of the promotion of an employee, the Commission has found that the employee was not promoted.

10A. The Commission notes that since the 6PP member's election was held, the Commission has not received any information from the employee regarding the assessment of the promotion of an employee. The Commission has found that the employee was not promoted.

109. The Commission notes that the 6PP member's election was held in 2009, and the Commission has not received any information from the employee regarding the assessment of the promotion of an employee. The Commission has found that the employee was not promoted.

Historical assessment of the situation of the employee

110. Although not specifically mentioned in the Commission's findings, the Commission notes that the employee was not promoted.

114. The Tribunal (hereinafter referred to as the Tribunal) finds that the Commission's decision of 12 October 2015 regarding the promotion of the applicant to the position of Deputy Chief of Mission is not in accordance with the provisions of the Staff Regulations and Rules. The Tribunal finds that the Commission's decision is not in accordance with the provisions of the Staff Regulations and Rules, in particular article 112.1 thereof.

The Tribunal finds that the Commission's decision is not in accordance with the provisions of the Staff Regulations and Rules, in particular article 112.1 thereof. The Tribunal finds that the Commission's decision is not in accordance with the provisions of the Staff Regulations and Rules, in particular article 112.1 thereof.

115. Articles 5.12.2 to 5.12.6 of the Staff Regulations and Rules apply to the promotion of the applicant to the position of Deputy Chief of Mission. The Tribunal finds that the Commission's decision is not in accordance with the provisions of the Staff Regulations and Rules, in particular articles 5.12.2 to 5.12.6 thereof.

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159. The Tribunal's findings contained in ePADs are not on the
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160. The findings of the Tribunal finds that the respondent alleged to
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172. T)e T(%'una\$ ag(ees : %t) t)e /es#ondent t)at t)e P(omotions Po\$%" does not s#e&% %&a\$\$" en5% sage t)at t)e 6PP mem'e(s : %\$\$)o\$d a meeting o(t)e(6e&ond /ound (e5%e :- :)%&) enta\$\$s an %nd%5%dua\$ assessment "' t)e 6PP mem'e(s o t)e &and%dates. .o : e5e(- t)e e5%den&e s)o : s t)at t)e D. / > &on5ened t)e 6PP mem'e(s to gat)e(%n Gene5a to ma=e su&) assessment- and most %m#o(tant\$" - se%ised t)s o##o(tun%t" to g%5e t)em %nst(u&t%ons o(suggest%ons as to t)e moda\$%ties o t)e((e5%e : . No m%notes : e(e ta=en o sa)d meeting. ?%e : %se- t)e D. / > #(o5%ded ad5%&e to t)e 6PP #(o(to %ts gat)e(%ng %n Gene5a- t)(oug) 5%deo&on e(en&e and ema\$\$s- as deta\$\$ed a'o5e. T)ese : e(e not o(ma\$\$" (e&o(ded %n m%notes e%t)e(- 'ut t)e" a(e- to some e@tent- (e \$e&ted %n t)e ema\$\$s t)emse\$5es and a do&ument ent%t\$ed 1Ta\$=%ng Po%nts2.

17. . T)e T(%'una\$ %nds t)at %n t)ese #a(t%&u\$a(&%(&umstan&es- t)e meeting o t)e 6PP o(t)e 6e&ond /ound- and mo(e s#e&% %&a\$\$" t)e te&)%n%&a\$ ad5%&e and gu%dan&e #(o5%ded "' t)e D. / > -)ad to 'e (e&o(ded %n m%notes- #u(suant to se&s. 4.2.5 and 5.11.1 o t)e P(omotions Po\$%" . T)s : as #a(t%&u\$a(\$" %m#o(tant to ensu(e #(ed%ta' %\$%t" and t(ans#a(en&" o t)e #(o&ess %n t)e &onte@t :)e(e t)e

D. / > : as de5sing t) e met)odo\$og" o(t) e %m#%ementat%on o t) e P(omotions Po\$%&"- :)%&) ad not 'een t) e su';e&t o an" adm%n%st(at%5e %ssuan&e.

174. I)et)e(t)ese m%nutes)ad to 'e s)a(ed : %t) t) e sta mem'e(s %s anot)e(d%#uta' %e %ssue- as se&. 5.11.2 so\$e\$" en5%ages t) e d%\$&\$osu(e o t) e m%nutes to t) e . %g) Comm%ss%one(. A 'sent an" su&) m%nutes- t) e %ssue %s)" #ot)et%&a\$ so t) e T(%'una\$: %\$\$ (e (a%n (om ma=%ng an" assessment.

175. Tu(n%ng to t) e a\$\$eged a%\$u(e to #(o5%de (easons o(t) e de&%s%on- t) e T(%'una\$ (e&a\$\$s t)at as #a(t o a &om#a(at%5e assessment- t) e de&%s%on not to #(omote a sta mem'e(automat%&a\$\$" enta%\$s t)at)e o(s) e : as not (an=%ed among t) e to# ones- : %t)out t) e need to #(o5%de an" u(t) e((easons. 7t : ou\$ d 'e #(a&t%&a\$\$" %m#oss%' %e o(t) e Adm%n%st(at%on to e@#%a%n to ea&) and e5e(" unsu&&ess u\$ &and%date :)")e o(s) e : as not (an=%ed among t) e to# &and%date\$ t) e on\$" ;ust% %&at%on t)at ma" #oss%'\$" 'e #(o5%ded %s t) e %nd%5%dua\$ and &onso%\$dated (an=%ngs o'ta%ned ' " a sta mem'e(. As t) e P(omotions Po\$%&" does not #(o5%de o(t) ese to 'e d%\$&\$osed to t) e &and%date- doing so %s t) e(e o(e \$e t to t) e d%\$&(et%on o t) e Adm%n%st(at%on.

176.

, conclusion in respect of the legality of the decision

1A0. The Tribunal has identified a possible significant and fundamental element of the Promotion Policy of 2011, Promotion Commission:) ma' 'e summed as o'sso : sB

a. The .g) Commission(de&dng n ad&e o t)e P(omotions 6esson t)at an e9ua\$ num'e(o a5a\$a'se s\$ots o(#omotions :ou\$ 'e a\$\$o&ated to emase and mase &and&dates- and \$m&tng t)e s\$ots a :a(ded to : omen to 50 FG

'. The D. / > se#a(atng t)e &and&dates ' " gende(o(t)e 6&ond / ound e5a\$uatng

&. The D. / > a\$ng to #(o5&de t)e 6PP mem'e(s :t) t)e e4PADs (atngs

d. The 6PP mem'e(s not assessng &om#\$an&e :t) t)e m&n&num #e(o(man&e t)(es)o\$d unde(se&. 5.9.10%3 o t)e P(omotions Po\$&"G

e. The D. / > ad5\$ng t)e 6PP mem'e(s to ta=e %nto a&&ount- du(ng t)e(6&ond / ound (e5&e :- t)e &and&dates* su&ta'%'t" o(#&a&ement %n a&tua\$ #os&tions at t)e P45 \$e5e\$G

. The D. / > ad5\$ng t)e 6PP mem'e(s to ta=e %nto a&&ount t)e(#e(sona\$ =no : \$edge o t)e &and&datesG

g. The D. / > %nt(odu&ng a (an=ng met)odo\$og" :)&& #e(m&tted t)e a\$\$o&ation o t)e same (an= to mo(e t)an one &and&date- :t)out an" adm&n&st(at&5e \$suan&e and an" &ons&de(at&ion o t)e %m#&at on t)e &and&dates* &onso\$&dated (an=ngG

). The s&gn% &&ant e((o(s %n t)e (an=ngs #(o5&ded ' " t)e 6PP mem'e(s- &ou#sed :t) a \$a&= o d%\$gen&e ' " D. / > %n t)e &onso\$&dat&ion o data- #uts %nto 9uest&on t)e (e\$a'%'t" o t)e (an=ngsG

%. The e@t(eme d%5e(gen&es %n t)e (an=ings #(o5%ded ' ' t)e 5a(ous 6PP mem'e(s to t)e same &and%dates- o(:)%&) no sat%is a&to(" ans : e() as 'een #(o5%ded- and :)%&) ma" suggest t)at t)e e((o(s %dent% %ed a'o5e &on&(ete\$" %m#a&t)ed on t)e (esu\$ts- o(t)at t)e &om#a(at%5e and (an=ing e@e(&%se : as s%#m%" %m#oss%'\$e to a&&om#s)s g%5en t)e \$a(ge num'e(o &and%dates- t)e %n o(mat%on #(o5%ded to t)e 6PP mem'e(s- :)%&) &ons%sted on\$" o t)e &and%dates* a&t s)eet- and t)e s)o(t t%me o(&ondu&t%ng t)e%(e5%e : G and

;. The a%\$u(e to ta=e m%nutes o 6PP meetings #(o(to- o(du(%ng- t)e 6e&ond / ound e5a\$uat%on and to (e&o(d ad%&es #(o5%ded ' ' t)e D . / > .

1A1. 7n \$%g)t o a\$\$ t)e o(ego%ng- t)e T(%'una\$ %nds t)at t)e &ontested de&%s%on %s un\$a : u\$.

1A2. The T(%'una\$ notes t)at t)e A##\$%&ant : as e\$%g%'\$e o(&ons%de(at%on o(#(omot%on %n t)e 2014 P(omot%ons 6ess%on- :)%&) %t unde(stands %s %n %ts %na\$ stage- and :\$\$ &ont%ne to 'e e\$%g%'\$e %n utu(e sess%ons unt%\$ #(omot)ed. !" &ondu&t%ng an e@tens%5e (e5%e : o t)e 201, P(omot%ons H@e(&%se- add(ess%ng ea& and e5e(" #(o&edu(a\$ %((egu\$a(%t" (a%sed ' ' t)e A##\$%&ant- and %n \$%ne : %t) t)e A##ea\$s T(%'una\$*s ;udgment %n "e!touche 0see #a(a. 42 a'o5e3- t)e T(%'una\$)o#es to)a5e #(o5%ded some gu%dan&e as to)o : t)e P(omot%ons Po\$%&" oug)t to)a5e 'een %m#%ement)ed %n %ts &u((ent o(mu\$at%on- s)ou\$d t)e UN . C / de&%de to &ont%ne to use %t %n utu(e #(omot%ons e@e(&%ses.

1A. 7n add%t%on to %ns%st%ng on t)e ne&ess%t" o %m#%ement%ng t)e Po\$%&" as ado#ted- t)e T(%'una\$ (e&omm)ends to t)e Adm%ns%tr(at%on to 1(e o(m2 su&) ' ' su##%ement%ng t)e Po\$%&" : %t) an adm%n.

Remedies

1A4. The Tribunal's award considers that the remedies sought by the Applicant are not provided for in Article 26 of the ILO Convention (Article 10.5 of its Statute) and therefore does not award them.

/essence of the contested decision

1A5. The Tribunal's award is based on the fact that the UN Committee on Economic, Social and Cultural Rights (CESCR) has found that the State is in breach of its obligations under Article 26 of the ILO Convention (Article 10.5 of its Statute) and therefore does not award them. The Tribunal's award is based on the fact that the UN Committee on Economic, Social and Cultural Rights (CESCR) has found that the State is in breach of its obligations under Article 26 of the ILO Convention (Article 10.5 of its Statute) and therefore does not award them.

1A6. The Applicant's claim is based on the fact that the State is in breach of its obligations under Article 26 of the ILO Convention (Article 10.5 of its Statute) and therefore does not award them. The Tribunal's award is based on the fact that the UN Committee on Economic, Social and Cultural Rights (CESCR) has found that the State is in breach of its obligations under Article 26 of the ILO Convention (Article 10.5 of its Statute) and therefore does not award them.

1A7. The Tribunal's award is based on the fact that the State is in breach of its obligations under Article 26 of the ILO Convention (Article 10.5 of its Statute) and therefore does not award them. The Tribunal's award is based on the fact that the UN Committee on Economic, Social and Cultural Rights (CESCR) has found that the State is in breach of its obligations under Article 26 of the ILO Convention (Article 10.5 of its Statute) and therefore does not award them.

1AA. The Tribunal's award is based on the fact that the State is in breach of its obligations under Article 26 of the ILO Convention (Article 10.5 of its Statute) and therefore does not award them. The Tribunal's award is based on the fact that the UN Committee on Economic, Social and Cultural Rights (CESCR) has found that the State is in breach of its obligations under Article 26 of the ILO Convention (Article 10.5 of its Statute) and therefore does not award them.

Case No. UNDT/GVA/2015/076

Judgment No. UNDT/2016/049

191. The (o/s n t) e m#sementation o t) e P(omotions Po\$&" a(e so s'gn% %&ant t)at t)e(%m#a&t on t)e A##\$%&ant*s &)an&e o(#omotion &annot 'e measu(ed. > ost &(ta%n\$"- t)e A##\$%&ant)ad a (ea\$ &)an&e o(#omotion.

192. T)e(e o(e- t)e T(% 'una\$ (es&%nds t)e de&%s'on.

6#e&% %& #e(o(man&e

19. T)e A##\$%&ant (e9uests to 'e g(anted #omotion to t)e P45 \$e5e\$. 6)e a\$so (e9uests t)e T(% 'una\$ to (e5'e: t)e P(omotions Po\$&" and esta'\$is) an adm%n%st(at%5e %nst(u&t'on.

194. T)e T(% 'una\$ (e%te(ates t)at t)e &ontested de&%s'on %s d%l&(et%ona(" %n natu(e- and t)at %t %s not %ts (o\$e to e@e(%%se t)e d%l&(et%ona(" aut)o(%t" %sted on t)e 6PP and t)e .%g) Comm%ss%one(' " su'st%tut%ng %ts o:n assessment o(t)at o t)e &om#etent o %&%a\$ 0see Sanwidi 20104UNAT40A4G !!assi 20114UNAT41103. 7t %s #a(t o t)e &on&e#t o d%l&(et%on t)at %ts e@e(%%se ma" \$a: u\$\$" (esu\$t %n de&%s'ons t)at a(e d% e(ent (om t)ose t)e T(% 'una\$ m%g)t)a5e #e e((ed. T)e(e o(e- :)e(e t)e ;ud%&%a\$ (e5'e: &on&e(ns t)e e@e(%%se o d%l&(et%on- t)e T(% 'una\$ &an o(de(s#e&% %& #e(o(man&e- su&) as %t)as 'een (e9uested %n t)e #(esent &ase- so\$e\$" %n t)e (a(e)"#ot)es% :)e(e t)e (esu\$t o t)e e@e(%%se o d%l&(et%on &an 'e na((o: ed do: n %n su&) a : a" as to on\$")a5e one \$ega\$\$" &o((e&t out&ome 0see demagic et al% UNDT/2015/1153. T)%s %s not t)e &ase %n t)e a##\$%&ation at)and.

195. T)e T(% 'una\$)as &on&\$uded t)at t)e 6PP)ad not a%(\$" and ade9uate\$" &ons%de(ed t)e A##\$%&ant*s &and%da&" o(#omotion to t)e P45 \$e5e\$:)en &om#a(ng)e(: %t) t)e ot)e(&and%dates. T)e .%g) Comm%ss%one(- :)o %s t)e &om#etent de&%s'on4ma=e(-)as not (e&e%5ed a #(o#e(and meaning u\$ (e&om mendat%on o(ma=ng)%s de&%s'on as to :)et)e(o(not to a: a(d one o t)e 56 a5a%a'\$e \$sots o(#omotion to t)e P45 \$e5e\$ to t)e A##\$%&ant. Unt%\$ t)%s e@e(%%se)as 'een #(o#e(\$" #e(o(med- %ts out&ome (ema%ns o#en o(t)e A##\$%&ant. 7 t)e T(% 'una\$: e(e to g(ant t)e A##\$%&ant a #(omotion- %t : ou\$d 'e tantamount to #(e;udg%ng t)e out&ome o t)e &om#a(at%5e assessment o a\$\$ e\$%g%'\$e &and%dates en5%aged %n t)e P(omotions Po\$&"- and su'st%tut%ng %ts

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200. In summary, the Commission's decision regarding the motions under UN . C / # (previous motions) is that the Tribunal's award of the amount of the national contribution to the Commission is C . +A-000 (see

sa\$a(" . T)e T(% 'una\$ must t)e(e o(e e@am#ne % t)%s #oss%'\$e \$oss o sa\$a("- %n &ase t)e /es#ondent does not e\$e&t to #a" &om#ensat%on %n \$%eu o (es&%ss%on- ;ust% %es t)at %t a : a(ds t)e A##\$%&ant mate(%a\$ damages.

210. As (e&a\$\$ed a'o5e- e5en % t)e A##\$%&ant)ad 'een g(anted #(omot%on on 20 <&to'e(2014- t)%s #(omot%on : ou\$d not)a5e 'een e e&t%5e unt%\$ s)e : as a##o%nted to a P45 \$e5e\$ #os%t%on. 7n t)e meant%me- s)e : ou\$d)a5e &ont%nued to (e&e%5e)e(sa\$a(" at t)e P44 \$e5e\$. T)e(e o(e- an" \$oss o sa\$a(" : ou\$d de#end not on\$ " on :)et)e(t)e A##\$%&ant : as %ndeed #(omoted- 'ut a\$\$o on :)en s)e : ou\$d)a5e 'een a##o%nted to a P45 #os%t%on)ad s)e 'een #(omoted. T)e e5%den&e s)o : s)t)at t)e A##\$%&ant)ad not 'een a##o%nted to a P45 #os%t%on as o t)e date o t)e)ea(%ng. I)et)e(- and % so :)en- s)e : ou\$d)a5e 'een a##o%nted at t)at \$e5e\$)ad s)e 'een #(omoted on 20 <&to'e(2014 and &ons%de(ed %n t)e ne@t 5a&an&%es* &om#end%um %s s#e&u\$at%5e.

211. Cons%de(%ng t)at %t %s un&e(ta%n t)at t)e A##\$%&ant : ou\$d)a5e 'een g(anted #(omot%on- t)at %t %s a\$\$o un&e(ta%n t)at s)e : ou\$d a%ot 'eed a##o%nted&ed5

21.,. 7n sariotis- :)%&) :as %ssued on 2A >a(&) 201,- t)e A##ea\$s T(%'una\$ de\$%neated t)e D%#ute T(%'una\$s*s ;u(%sd%&t%&t%on to a :a(d mo(a\$ damages %n t)e o\$\$o : %ng te(msB

,6. To %n5o=e %ts ;u(%sd%&t%&t%on to a :a(d mo(a\$ damages- t)e UNDT must %n t)e %(st %nstan&e %dent% " t)e mo(a\$ %n;u(" susta%ned ' " t)e em#%o"ee. T)s %dent% %&at%on &an ne5e('e an e@a&t s&%en&e and su&) %dent% %&at%on : \$\$ ne&essa(%\$ " de#end on t)e a&ts o ea&) &ase. I)at &an 'e stated- ' " :a" o gene(a\$ #(%n&%#%e- %s t)at damages o(a mo(a\$ %n;u(" ma" a(%seB

0%3 +(om a '(ea&) o t)e em#%o"ee*s su'stant%5e ent%t%ements a(%%ng (om)%s o()e(&ont(a&t o em#%o"ment and/o((om a '(ea&) o t)e #(o&edu(a\$ due #(o&ess ent%t%ements t)e(e%n gua(anteed 0'e t)e" s#e&% %&a\$\$" designated %n t)e Staff Regulations and Rules or arising from the principles of natural justice). Where the breach is of a fundamental nature, the breach may of itself give rise to an award of moral damages, not in any punitive sense for

0'3 Compensation

e. Assot)e(&\$a\ms a(e (e;e&ted.

{Signed}

Judge / o : an Do : n\ng

Dated t)\s , (d da" o >a" 2016

Hnte(ed \n t)e /eg\ste(on t)\s , (d da" o >a" 2016

{Signed}

/en0 >. Va(gas >.- /eg\st(a(- Gene5a