



Before: Judge Alexander W. Hunter, Jr.

Registry: Geneva

Registrar: René M. Vargas M.

KHAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Marcos Zunino, OSLA

Counsel for Respondent:

Alan Gutman, ALD/OHR, UN Secretariat

Introduction

1. On 25 June 2020, the Applicant, an Administrative Assistant at the GL-5 level in the Supply Chain Management and Service Delivery Section (“SCSD”) of the United Nations Military Observer Group in India and Pakistan (“UNMOGIP”) in Islamabad, filed an application to contest the Administration’s decision not to select her for the position of Property Control and Inventory Assistant at the GL-6 level located in SCSD, UNMOGIP.

2. On 1 February 2021, the case was assigned to the undersigned Judge.

Consideration

3. In this case, the Applicant was one of the two recommended candidates for the contested position. The other recommended candidate was selected.

4. In the application, the Applicant submits that she was not given full and fair consideration on the basis that the Chief of Mission Support (“CMS”) unlawfully prevented the hiring manager from participating with the interview panel and did not consult with the hiring manager before making a selection decision. The Applicant submits that the hiring manager was removed from the selection process on the basis that one of the candidates, the Applicant, was working under his supervision which CMS considered to be a perceived conflict of interest. The Applicant argues that it did not constitute a conflict of interest, actual or perceived.

5. In the reply, the Respondent responds that CMS proposed to the hiring manager that he recuse himself from the selection process for the following two reasons which the hiring manager agreed to: (1) CMS received a complaint alleging that the Applicant had discouraged another staff member from applying for the contested position since she had been promised the contested position; and (2) the hiring manager decided to lower the predetermined passing score of the written test from 60 percent to 50 percent to the benefit of the Applicant.

Case No. UNDT/GVA/2020/029

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6. Noting that the case file does not include documentation relating to the recusal of the hiring manager and the reasons for his recusal as described above, the Tribunal hereby directs the Respondent to file the contemporaneous documentation in support of his submission.

IT IS ORDERED THAT:

7. By **4 p.m. on Monday, 15 February 2021 (Geneva time)**, the Respondent is to file the contemporaneous documentation in support of the Respondent's submission as described in para. 5 above.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 2nd day of February 2021

Entered in the Register on this 2nd day of February 2021

(Signed)

René M. Vargas M., Registrar, Geneva