

Venkataraman v. IBRD, Decision No. 500 [2014]

The Applicant was employed as Finance Assistant in November 2011 by the Bank's General Services Department, Strategy and Finance Unit, in Chennai, India. His employment was subject to a probationary period of up to one year. One of the major components of the Applicant's work program was to undertake transaction processing in the Bank's Systems, Applications and Products in Data Processing (SAP) framework. During his probationary period, the Applicant undertook training under the supervision of three trainers and met with his supervisor, trainers, as well as with his manager at different times. In June 2012, an interim Overall Performance Evaluation (OPE) was prepared for the Applicant in which the Applicant's performance was rated as "Partially Successful" in certain areas. An Annual OPE was also prepared at the end of his probationary period but was not finalized. According to his managers, the Applicant's performance did not improve during his probationary period and therefore a decision was made not to confirm his appointment. The Applicant was given the option to resign which he exercised. Following the termination of his employment and a review by Peer Review Services (PRS), the Applicant filed an Application with the Tribunal challenging, among other things, the non-confirmation decision as well as his resignation.

The Tribunal found that: (i) the totality of the evidence supported the Bank's finding that the Applicant had not proven his suitability for continued employment with the Bank; (ii) in the assessment of his performance his managers took into account all relevant factors and did not give undue weight to negative factors; (iii) the assessment of the Applicant's performance, as well as the resulting determination on his non-confirmation, was based on facts and was not inspired by any bias, prejudice or inappropriate purpose; (iv) the Bank met its obligation under the Staff Rule to provide the Applicant with the required feedback and, through his interim OPE, with prior written notice concerning deficiencies in his/her performance, technical qualifications, or professional behaviors; (v) an opportunity was given to the Applicant to demonstrate his suitability for the position he occupied while he was also provided with adequate guidance and training; (vi) the Bank failed to (a) adequately warn the Applicant that he faced termination unless he remedied the defects in his work performance and demonstrated suitability for his position and (b) afford him the reasonable opportunity to respond effectively to the decision on non-confirmation before such decision was made, thus depriving him of the reasonable opportunity to remedy the defects in his work performance and, to respond, in his own defense, to the decision on non-confirmation; (vii) the Applicant had not shown that his decision to resign was coerced; (viii) the Applicant's claims of improper motivation regarding his placement on administrative leave and restriction from access to the Bank's premises were not substantiated by the record; and (ix) the Applicant's other claims related to his non-selection to a position in Human Resources and other job postings for which he had applied were not substantiated by the record. For the procedural irregularities in this case, the Tribunal awarded the Applicant compensation in the amount of three months' salary net of taxes.

This summary is provided to assist in understanding the Tribunal's decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at: www.worldbank.org/tribunal