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Case No. UNDT/GVA/2018/026

! "g#e\$% No. UNDT/2020/0&8

Introduction

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!arties" su# \$ issions

&@. T*e A55,+)a\$%Es 5(+)\$+5a,)o\$%e\$%+o\$%s a(e:

As to the decision not to renew the Applicant's fixed-term appointment

a. T*e 1B Se5%e# 3e(201> \$o\$(e\$e ; a, "e)+s+o\$ +s \$o% s!55o(%e" 3= %*e
fa)%s4 +s s!5e(f,!o!s a\$" 5(e#a%! (e4 +s ultra vires a\$")a\$%o% 3e C!s%+f+e" 3=
a\$= o5e(a%+o\$a, 5!(5ose?

3. O\$ %*e f+(s% g(o!\$"4 %*e A55,+)a\$% \$o%es %*a% o\$ 22 Se5%e# 3e(201>4 o\$e

As to the decision not to grant SLWOP

f. T*e A55,+)a\$)*a,,e\$ges a,so %*e "e)+s+o\$ \$o% %o g(a\$ %*e(SL : OP4 asF+\$g fo("a#ages. T*e A55,+)a\$ *o ; e.e("oes \$o% g+. e 5a(%+)!,a(easo\$ \$ a3o!% %*e a,,ege" !\$,a ; f!, \$ess of %*e "e)+s+o\$.

&A. T*e Res5o\$"e\$%Es 5(+)\$+5a,)o\$%e\$%+o\$ \$ a(e:

As to the decision not to renew the Applicant's fixed-term appointment

a. T*e)o\$%es%e" "e)+s+o\$ +s ,a ; f!,,. No% o\$%,= "+" %*e A55,+)a\$%Es a55o+\$%#e\$ \$o%)a((= a\$= e<5e)%a\$)= of (e\$e ; a, 3!%4 a,so4 s*e ; as 5(o.+ "e" ; +%* a .a,+ " (easo\$ fo(%*e \$o\$(e\$e ; a, of *e(-TA?

3. T*e 3!"ge%a(= +ss!es 3e*,\$" %*a% "e)+s+o\$; e(e s*a(e" ; +%* %*e A55,+)a\$,o\$g 3efo(e %*e "e)+s+o\$; as %aFe\$ a\$"4 f!(%*e(#o(e4 %*e A" #+\$s%(a%+o\$ +\$fo(#e" *e(of %*e \$o\$(e\$e ; a, #o(e %*a\$ &0 "a=s 3efo(e %*e e<5+(a%+o\$ of *e()o\$(a)%?

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%*e f+\$a\$)+a,)o\$s%(a+\$s 5(e),!"+\$g %*e (e\$e ; a, of %*e A55,+)a\$%Es a55o+\$% #e\$%
)o\$%+\$!e" %o e<+s%4 s5e)+f+)a,,= %aF+\$g +\$%o a))o!\$ %*e #o(e (e)e\$% #eas!(es
a"o5%e" 3= %*e CC : Es 2CPs o\$ 2@ No.e #3e(201> %o a""(ess %*e f+\$a\$)+a, "ef+)+%
a\$" e\$s!(e %*e)o\$%+\$!+% = of %*e ISU.

AA. T*e T(+3!\$a, +s a ; a(e %*a%4 +\$ ge\$e(a,4 5!(s!a\$% %o s%aff (!,e @.1&6)74 a\$ -TA
"oes \$o%)a((= a\$= e<5e)%a\$)=4 ,ega, o(o%*e(;+se4

AB. I\$ %*e 5(ese\$)ase4 %*e A" #+\$+s%(a%+o\$ fa+,e" +\$ e.a,!a%+\$g 5(o#5%,= a\$")o\$s+"e(+\$g %*e e.o,!%+o\$ of %*e f+\$a\$)+a, s% !a%+o\$ 3efo(e %*e e<5+(a%+o\$ of %*e A55,+)a\$Es -TA +\$ %*e ,as% #o\$%*s of %*e)o\$(a)%4 %*!s fa+,+\$g %o 3a,a\$)e %*ose (es!,%s ; +%* %*e 5(e.+o!s o\$e! a\$" %*e 5os+%+o\$ e<5(esse" 3= %*e ' e#3e(S%a%es o\$ %*e s%aff+\$g of %*e ISU a\$" +%s)os%. T*e sa+" "e.e,o5#e\$%s a\$" fa)%s)o!,," *a.e +\$f,!e\$)e" %*e "e)+s+o\$ 3= %*e A" #+\$+s%(a%+o\$ \$o% %o (e\$e ; %*e)o\$(a)%4 ; *+)* +s)o\$seG!e\$%,= !\$,a ; f!.,.

/emedies

60. T*e (e#e"= of (es)+ss+o\$ of a\$ a" #+\$+s%(a%+.e "e)+s+o\$ ge\$e(a,= e\$a+s %*e !\$"o+\$g of %*e "e)+s+o\$. T*e T(+3!\$a, *as fo!\$" %*a% %*e O(ga\$+Da%+o\$ fa+,e" %o C!s%+f= %*e \$o\$I(e\$e ; a, of %*e)o\$(a)% of %*e A55,+)a\$ a\$" %*a% %*e "e)+s+o\$ %o se5a(a%e *e(f(o# se(.+)e ; as %*e(efo(e f,a ; e".

61. T*e T(+ef\$", o+\$s+").%s!\$a,

)o#5e%+.e 5(o)ess! %*e *ea" of "e5a(%#e\$/off+)e s*a,, #aFe %*e
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6A. I% (es!,%s f(o# %*e f+,e %*a% %*e A55,+)a\$%4 fo,,o ;+\$g s!3# +ss-o\$ of *(e
)a\$"+"a)= fo(O 8AB6B +\$ I\$s5+(a! ; as s)(ee\$e" as e,+g+3,e fo(%*e 5os+%+o\$ as s*e
#e% %*e #+\$+#!# (eG!+(e#e\$s. S*e ; as s!3seG!e\$%,= +\$.+e" fo(a
)o#5e%e\$)=13ase" +\$%e(.+e ; %o assess +f s*e #e% %*e)o#5e%e\$)+es of %*e %e#5o(a(=
5os+%+o\$. D!(\$g %*e +\$%e(.+e ; 4 %*e A55,+)a\$% "+" \$o% s!))ee" +\$ "e#o\$s%(a%+\$g *(e
s!+%a3+,+%= fo(%*e 5os+%+o\$.

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6B. I\$ " a#\$ri 2012IUNATI200 s#a%e" %*a%:

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6a7 6+7 S5e)+a, ,ea.e #a= 3e g(a\$%e" a% %*e (eG!es% of a s%aff

Conclusion

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