UNITED NATIONS DISPUTE TRIBURIBUJudgment No.:		UNDT/2020/109
	Date:	2 July 2020
	Original:	English

Before: Judge Eleanor Donaldson-

Case No. UNDT/NBI/2019/155 Jud

Parties' Submissions

16. Kt'ku''y g''Cr r necpvau''ecug''y cv''y g'Tgur qpf gpvau''f gekukqp''vq''ugpf ''j ko ''j qo g''ku'' tantamount to being placed on SLWFP. In so doing, he contends, the Secretary-General was in effect circumventing the provisions of staff regulation 9.3 and staff rule 9.8.

17. Vj g'Tgur qpf gpvøu''r tko ct {"cti wo gpv'ku''qpg''qh'tgegkxcdktw{0'Cu''yj g''Cr r nlecpv'' received the MEU decision on 28 May 2019 upholding the decision to not renew his contract when it expires, time for filing the subject application of this judgment began to run from then. Vj g''Cr r nlecpvøu''ugeqpf "tgs wguv'hqt"o cpci go gpv'gxcnvcvkqp''qp''48" June 2019 did not reset the clock, as both requests were hqt"õtgxkgy "qh''y g''uco g'' cf o kpkuvtcvkxg'' f gekukqp." pco gn{" yj g'' f gekukqp'' pqv'' vq'' tgpgy ö'' yj g'' Cr r nlecpvøu'' appointment.

18. According to the Respondent, this application before the Tribunal is therefore time-barred.

19. The Respondent makes the further argument that the application should be dismissed for want of merit because the decision to abolish the post encumbered by the Applicant was lawful. Vj g"Cr r thecpv/u"encko "vj cv"j g"y cu"r negf "qp"ur gelcn'ngcxg" with full pay is incorrect and there was no *de facto* termination on 16 May 2020.

Considerations

Receivability

20. Vj g''Tgur qpf gpvøu''uwdo kuukqpu''qp''tgegkxcdktw{ reflect a misunderstanding of the impugned decision being challenged in this case. The Tribunal finds that the Applicant has clearly articulated his grievance. He is not challenging the abolition of his post. The decision being challenged is the decision which saw the Apprkecpv'öugpv'' j qo gö''on 16 O c { ''423; .''y j kej ''f gekukqp''y g''crrrkecpv''ej ctcevgtkugu''cu''õvgto kpcvkqp''qh'' crrqkpvo gpvö'' wpf gt'' y g'' i wkug'' qh'' õur gekch'' rgcxg'' y kj '' hwm'' r c {06'' The MEU

cempqy ngf i gf "tgegkr v'qh"yj g"Cr r necpvøu"ugeqpf "tgs wguv"hqt "o cpci go gpv"gxcnwcykqp and cited the decision being impugned in almost identical terms as articulated by the Applicant. The Cr r necpvøu"second request for management evaluation was therefore r cvgpvn{ "pqv"hqt"tgxkgy "qh"yj g"õuco g"cf o kpkuvtcvkxg"f gekukqpö"cf f tguugf "kp"yj g"O GWøu" 28 May 2019 response.

21.