

UNDT/2009/089, Wilkinson et al

UNAT Held or UNDT Pronouncements

Although a series of resolutions of the General Assembly authorized the Secretary-General (provided a number of conditions were fulfilled) to reappoint under the 100 series of the Staff Rules mission staff whose service under 300 series contracts had reached the four-year limit, there had never been any legal obligation to do so. Even if the principles of *Handelsman* were applied to this case, no express promise for converting the appointments could be found. Furthermore the Applicants failed to exhaust internal remedies in a timely manner, since they did not initiate formal proceedings against the nonconversion although they had the opportunity to do, so. Instead they accepted and signed, without qualification, a series of appointments under the 300 series.

Decision Contested or Judgment/Order Appealed

The Applicants, all former staff members of UNMIK, served for more than four years under 300 series of former Staff Rules and request to receive termination benefits equivalent to those paid to staff employed under the 100 series. They claim that the Administration had a legal obligation to convert their appointments from the 300 series to the 100 series and refer to several documents they regard as assurances and promises to do so.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Wilkinson et al

Entity

UNMIK

Case Number(s)

UNDT/GVA/2009/072

UNDT/GVA/2009/073

Tribunal

UNDT

Registry

Geneva

Date of Judgement

14 Dec 2009

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Benefits and entitlements

Compensation

In-lieu compensation

Applicable Law

Staff Regulations

- Annex III

Staff Rules

- Rule 109.3
- Rule 304.4
- Rule 309.3
- Rule 309.4