

UNDT/2010/140, Abdalla

UNAT Held or UNDT Pronouncements

In general, there is no right to renewal of appointment for staff members serving on a temporary appointment. In the case at hand, no improper motives neither countervailing circumstances existed which may have tainted the contested decision with illegality. The reasons for that decision - no budgeted or approved posts of Language Assistant, Interpreter or Translator at his level in UNAMI, abolishment of the post - are acceptable. Although the Organization was not obliged to find alternative employment for the applicant as a staff member holding a temporary appointment, a bona fide effort was made by assigning him to UNAMI for a total of nine months. However, he failed to apply for vacant positions during that period. The Organization is not obliged to create a specific post at a certain level for a given staff member. Also, the Applicant did not have a legitimate expectancy of having his contract renewed. No expressed or even implied promise of the Administration could be found. The decision was not tainted by discrimination or other extraneous factors.

Decision Contested or Judgment/Order Appealed

The applicant contests the decision not to renew his temporary appointment.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Abdalla

Entity

UNHCR

Case Number(s)

UNDT/GVA/2010/005

Tribunal

UNDT

Registry

Geneva

Date of Judgement

3 Aug 2010

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Discrimination and other improper motives

Non-renewal

No expectancy of renewal

Applicable Law

Staff Rules

- Rule 4.12
- Rule 9.4
- Rule 9.6(e)

Related Judgments and Orders

UNDT/2010/005

UNDT/2009/083

UNDT/2010/006