

UNDT/2010/212, Allen

UNAT Held or UNDT Pronouncements

Reassignments: Staff regulation 1.2 grants broad discretion to the Secretary-General in making reassignment decisions. However, such discretionary power is not unfettered: it is subject to respect for due process, and the absence of bias, discrimination, arbitrariness, or other extraneous motivations. While section 2.4 ST/AI/2006/3.Rev.1 envisages only lateral transfers to vacant posts, it does not preclude other kinds of transfer to be lawfully made. The decision contested in the present case does not contravene the said section 2.4, but falls beyond this provision's purview and, therefore, section 2.4 does not apply. Consultations: section 3 of ST/SGB/172 and section 5 of ST/SGB/274 do not apply to the contested decision, for it concerns only one staff member, the Applicant.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to reassign him from one position to another, which was made in an effort to implement Judgment UNDT/2010/009.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Allen

Entity

UNCTAD

Case Number(s)

UNDT/GVA/2010/101

Tribunal

UNDT

Registry

Geneva

Date of Judgement

7 Dec 2010

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Reassignment or transfer

Discretion

Standard of review (judicial)

Judicial review (general)

Applicable Law

Former Staff Regulations

- Regulation 1.2

Secretary-General's bulletins

- ST/SGB/172
- ST/SGB/274

UNDT Statute

- Article 10.6
- Article 12.4

Related Judgments and Orders

UNDT/2010/009