

# UNDT/2011/007, Ndjadi

## UNAT Held or UNDT Pronouncements

The preliminary issue at stake was whether the Tribunal had competence *ratione personae* to examine this application. In this regard, the Tribunal found that, under the relevant UNDP rules, persons recruited under Service Contract are not staff members. It therefore considered that it did not have competence to adjudicate this case. It also found that the facts had clearly established that the Applicant had actually amicably settled the issue of the non renewal of his contract and received USD 9593 as compensation. The Tribunal therefore considered that the Applicant, who was a party to this case, had been ill-advised to file an application before the Tribunal to challenge a decision that had been the subject matter of a lawful settlement. Outcome: The application was rejected due to a lack of competence *ratione personae*. Given the fact that the Applicant sought to litigate the issue of the non renewal of his contract with UNDP in the teeth of an amicable settlement regarding the same issue the Tribunal took the view that the Applicant had manifestly abused its proceedings and ordered the Applicant to pay USD500 as costs.

## Decision Contested or Judgment/Order Appealed

The applicant, a former National Expert recruited under a Service Contract with UNDP, sought to challenge the decision taken by Management not to extend his contract.

## Legal Principle(s)

N/A

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ndjadi

## Entity

UNDP

## Case Number(s)

UNDT/NBI/2010/76

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

12 Jan 2011

## Duty Judge

Judge Boolell

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Abuse of process before UNDT/UNAT

Costs

Jurisdiction / receivability (UNDT or first instance)

Personal (ratione personae)

Non-renewal

## Applicable Law

UNDT Statute

- Article 10.6
- Article 3