

UNDT/2011/059, Pirnea

UNAT Held or UNDT Pronouncements

The Tribunal found that there could not be an absolute and general rule that the failure to give reasons amounts to an unlawful exercise of the discretion not to renew. Nor should there be a rule that reasons should never be given. Having found that the decision was not prima facie illegal, the requirements provided for in Article 13 of the Rules of Procedure to grant suspension of action were not met. Outcome: the application was dismissed.

Decision Contested or Judgment/Order Appealed

The Applicant, a UNDSS Field Security Officer in Somalia appointed under a UNDP contract, filed an application for suspension of action of the decision not to renew his appointment. Following allegations of sexual assaults against him in Hargeisa (Somalia), UNDSS physically moved him to Nairobi (Kenya) for his own protection but his official duty station remained Hargeisa. A few days before the expiry of his contract, the Applicant contested the impugned decision on the ground that it was prima facie unlawful. He argued that his post was neither identified for abolition nor his performance warranted separation from service and he had not been given any reasons for the non-renewal of his appointment. He was therefore of the view that the decision necessarily arbitrary and capricious.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Pirnea

Entity

UNDP

Case Number(s)

UNDT/NBI/2011/007

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

31 Mar 2011

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Suspension of action / interim measures

Prima facie unlawfulness

Applicable Law

UNDT RoP

- Article 13

Related Judgments and Orders

UNDT/2011/032