

UNDT/2011/076, Perrot-Maitre

UNAT Held or UNDT Pronouncements

When reviewing the conditions set out in Article 13 of the RoP, the Tribunal considered whether, in the light of the allegation of non-performance, the proper procedure relating to performance and e-PAS had been followed. It found that the decision was prima facie unlawful because the Respondent did not thoroughly follow its own rules and/or practices (a) by deciding not to renew the Applicant's appointment without allowing the rebuttal process to be completed, and (b) by its failure to ensure a timely implementation of the 2010-2011 e- PAS.

Decision Contested or Judgment/Order Appealed

On 11 March 2011, the Applicant, a P-5 staff member of UNEP who had joined the Organization in 2009, was informed that her appointment would not be renewed beyond 2 May 2011 for 'unsatisfactory performance' as reflected in her e-PAS for the 2009-2010 cycle. In addition to the filing of a rebuttal request with the competent authority, the Applicant filed a request for suspension of action before the Tribunal, arguing that the decision was unfair and biased. She further indicated that the rebuttal process for the 2009-2010 e-PAS was still pending and that the e-PAS for the 2010-2011 cycle had not yet been finalized.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Application for suspension of action was granted. The Tribunal decided that the suspension would remain in force up to 14 days following the notification of the conclusions of the Rebuttal Panel(s) to the Applicant.

Full judgment

[Full judgment](#)

Applicants/Appellants

Perrot-Maitre

Entity

UNEP

Case Number(s)

UNDT/NBI/2011/018

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

29 Apr 2011

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Performance management

Performance evaluation

Rebuttal

Suspension of action / interim measures

Prima facie unlawfulness

Applicable Law

Administrative Instructions

- ST/AI/2002/3
- ST/AI/2010/5

UNDT RoP

- Article 13

UNDT Statute

- Article 2.2