

UNDT/2011/096, Mbatha

UNAT Held or UNDT Pronouncements

Receivability of moot claims: Even before the Applicant submitted his application to the Tribunal, the Administration had extended the Applicant's contract beyond 30 April 2010 and it had informed him that his contract would be extended until the completion of his rebuttal. Accordingly, the application insofar as it concerns the decision to renew the Applicant's contract until 30 April 2010 was moot as at the date on which it was submitted to the Tribunal and it is therefore not receivable. Discretion of the Secretary-General in the organization of work: The Secretary-General enjoys broad discretion in the organization of work and the assignment of tasks to staff members. Such discretion is not unfettered but is subject to limited control by the Tribunal. Rebuttal process and appeal before the Tribunal: The Applicant's claim regarding his ePAS for 2009-2010 is not receivable since he failed to exhaust internal remedies by keeping his rebuttal pending. Outcome:

Decision Contested or Judgment/Order Appealed

The Applicant contested decisions related to the renewal of his fixed-term appointment and performance appraisal, including one concerning the renewal of his fixed-term appointment for one month, from 31 March 2010 to 30 April 2010.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Outcome Extra Text

The Tribunal found that most of the Applicant's claims were not receivable either because they were moot, time-barred, unsubstantiated or because the Applicant had failed to exhaust internal remedies or to request management evaluation.

Full judgment

[Full judgment](#)

Applicants/Appellants

Mbatha

Entity

ICTY

Case Number(s)

UNDT/GVA/2010/096

Tribunal

UNDT

Registry

Geneva

Date of Judgement

31 May 2011

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Management Evaluation

Non-renewal

Performance management

Rebuttal

Applicable Law

Staff Regulations

- Regulation 1.2

UNDT Statute

- Article 7.1

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

2010-UNAT-084