

# **UNDT/2011/196, Neskorozhana**

## **UNAT Held or UNDT Pronouncements**

The UNDT found the requirement of prima facie unlawfulness to be satisfied on two issues—(i) whether the implementation of the contested decision would have the prejudicial effect of unilaterally altering the Applicant’s contract by introducing a new provision that is detrimental to her acquired rights; and (ii) whether the short notice given to the Applicant of the imposition of the 31-day period of ineligibility for re-appointment was in violation of the principles of due process, good faith and fair dealing, and the Organization’s obligation to regularly inform its employees concerning the various rules and regulations. The UNDT found that the requirements of urgency and irreparable damage were also satisfied. The application for suspension of action was granted.

## **Decision Contested or Judgment/Order Appealed**

The Applicant filed an application for suspension of action, pending the outcome of management evaluation, of the implementation of the decision to impose on her, pursuant to ST/AI/2010/4/Rev.1, a 31-day period of ineligibility for re-employment on a temporary appointment after the expiration of her current fixed-term appointment.

## **Legal Principle(s)**

Break in service as administrative decision with continuing effect: The decision to impose a requirement of a 31-day period of ineligibility for re-appointment on a temporary contract has continuing legal effect on the applicant’s legal rights and therefore can be suspended

## **Outcome**

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Neskorozhana

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2011/084

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

15 Nov 2011

## Duty Judge

Judge Shaw

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Suspension of action / interim measures

Irreparable damage

Particular urgency

Prima facie unlawfulness

## Applicable Law

Administrative Instructions

- ST/AI/2010/4/Rev.1

UNDT Statute

- Article 2.2

## Related Judgments and Orders

UNDT/2009/075

UNDT/2011/126

UNDT/2011/184

UNDT/2011/185

UNDT/2011/186

UNDT/2011/189