

UNDT/2012/007, Leclercq

UNAT Held or UNDT Pronouncements

Grounds for non-renewal: No provision requires the Administration to give the reasons for a non-renewal decision. However, when a staff member contests the non-renewal of his or her contract before the Tribunal, the Organization must provide the reasons for this decision and the staff member has the right to contest the legality of the same. Discretionary power and scope of judicial review: The Administration has discretion to organize its services and thus to finance or not a programme. It is not for the Tribunal to assess the correctness of this kind of decisions. Burden of proof of extraneous factors: The burden of proving that the true reason behind a decision is unlawful lies with the staff member making the allegation.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision not to renew his contract beyond 31 December 2011. According to him, the decision was motivated by a complaint of harassment he lodged against his supervisor. The Respondent claims that it was due to lack of funds for his post, of which the Applicant had been duly and timely informed. The Tribunal found the reason put forward by the Organization to be credible; the decision could thus not be considered to be prima facie unlawful. This being so, there was no need to assess whether the two other conditions required for suspension of action were met.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Leclercq

Entity

ITC

Case Number(s)

UNDT/GVA/2011/089

Tribunal

UNDT

Registry

Geneva

Date of Judgement

12 Jan 2012

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Reason(s)

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

Staff Rules

- Rule 4.5(c)

UNDT Statute

- Article 2.2