

UNDT/2012/008, Pacheco

UNAT Held or UNDT Pronouncements

Organization of work and discretion of the Secretary-General: The Secretary-General has wide discretion in the organization of work. It is not for the Tribunal to substitute its own views to that of the Secretary-General on how to organize work and meet operational needs. Decisions in this sphere may be set aside only on limited grounds, for example if the competent authorities breached procedural rules, or if discretion was exercised in an arbitrary, capricious, or illegal manner. Eligibility for consideration for conversion to permanent appointment: Pursuant to provisional staff Rules 13.4 (b), only staff members who held 100-series fixed-term appointments on or before 30 June 2009 could be eligible for consideration for a permanent appointment.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision to abolish her post and separate her from service with effect from 30 April 2010. Her main contention is that the abolition of her post was motivated by extraneous factors and aimed at getting rid of her, rather than based on the genuine needs of the Organization. The Tribunal concluded that it was not presented with evidence that persuaded it that the abolition of the Applicant's post was manifestly unreasonable, motivated by ill-will or a calculated scheme to remove her from the office. The Tribunal also found that in the Applicant's case, the Respondent was not obliged to make a good faith effort to find an alternative suitable post for her and that she was not eligible for consideration for conversion to a permanent appointment since she only held 200-series appointments before 30 June 2009.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Pacheco

Entity

OCHA

Case Number(s)

UNDT/GVA/2010/080

Tribunal

UNDT

Registry

Geneva

Date of Judgement

13 Jan 2012

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Separation from service

Termination of appointment (see also, Termination of appointment)

Applicable Law

Former Staff Rules

- Rule 109.1(c)

Provisional Staff Regulations and Rules

- Rule 13.4(b)
- Rule 9.4
- Rule 9.6(e)

Related Judgments and Orders

2010-UNAT-021

2011-UNAT-178

UNDT/2011/045