

UNDT/2012/049, Kasmani

UNAT Held or UNDT Pronouncements

The Tribunal concluded that there was cogent evidence that extraneous factors were taken into account in the decision not to extend the Applicant's contract. The Tribunal thus held that the Applicant had sufficiently discharged his burden of proof. He showed that the actions of the Respondent's agents were unfair, improperly motivated, and wholly arbitrary.

Decision Contested or Judgment/Order Appealed

The Applicant contested UNON's decision to not renew his temporary fixed-term appointment. The Applicant contended that the decision was based on extraneous factors.

Legal Principle(s)

Pursuant to staff regulation 4.5, a fixed-term appointment does not carry an expectancy of renewal. However, according to the Tribunal's jurisprudence, discretionary decisions regarding renewal of appointments are subject to evaluation for reasonableness, lack of arbitrariness or improper purpose. Section 2.2 of the ST/SGB/2008/5 enjoins the Organization to take all appropriate measures towards ensuring a harmonious work environment, and to protect its staff from exposure to any form of prohibited conduct, through preventive measures and the provision of effective remedies when prevention has failed.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Tribunal ordered payment to the Applicant of nine (9) months' net-base salary and USD 20,000.

Full judgment

[Full judgment](#)

Applicants/Appellants

Kasmani

Entity

UNON

Case Number(s)

UNDT/NBI/2009/67

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

16 Apr 2012

Duty Judge

Judge Meeran

Judge Izuako

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Arbitrary or improper motive

Separation from service

Applicable Law

Secretary-General's bulletins

- ST/SGB/2008/5

Staff Regulations

- Regulation 4.5

Staff Rules

- Rule 4.13(a)

UNDT RoP

- Article 19
- Article 36

UNDT Statute

- Article 105

Related Judgments and Orders

2013-UNAT-305