

UNDT/2012/097, Abedraboh

UNAT Held or UNDT Pronouncements

This is particularly the case in employment within the United Nations which is highly valued. Once out of the system the prospect of returning to a comparable post within the United Nations is significantly reduced. The damage to career opportunities and the consequential effect on one's life chances cannot adequately be compensated by money. Although the Applicant's suspension of action did not specify a date until which the requested suspension of action should be applied, the UNDT granted it but limited it in time, per art. 13 of the Rules of Procedure of the Dispute Tribunal, to the pendency of the evaluation period.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the non-renewal of her appointment on the grounds that the reason provided, namely the non-availability of a post as a result of a retrenchment exercise, was false as her post was provided for in the budget.

Legal Principle(s)

Prima facie case: When the Respondent fails to respond to a submission of the Applicant and to the relevant evidence adduced by the parties, the Tribunal is left with the inference that the submission is correct. Urgency: The matter was imminent as the Applicant's contract ended one day after the issuance of the Judgment. The urgency was due to the Respondent's failure to properly ensure that a management evaluation would be ready before the scheduled day of separation. Irreparable harm: The harm that the Applicant contended, namely the loss of career prospects after having served with the United Nations for an extended period of time, was of a nature that is generally non-pecuniary. Loss of employment is to be seen not merely in terms of financial loss, for which compensation may be awarded, but also in terms of loss of career opportunities.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Suspension of action granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Abedraboh

Entity

MINUSTAH

Case Number(s)

UNDT/NY/2012/057

Tribunal

UNDT

Registry

New York

Date of Judgement

29 Jun 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Separation from service

Suspension of action / interim measures

Irreparable damage

Particular urgency

Prima facie unlawfulness

Applicable Law

UNDT RoP

- Article 13

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2012/093

UNDT/2012/058

2011-UNAT-115