

UNDT/2012/140, Ullah

UNAT Held or UNDT Pronouncements

Assessment of prima facie unlawfulness: In the course of suspension of action proceedings sufficient proof of the facts must be presented in view of the strict time limits governing the suspension of action procedure.

Decision Contested or Judgment/Order Appealed

The Applicant, on secondment from Government service, submitted an application for suspension of action, pending management evaluation, of the decision not to extend his fixed-term appointment on the grounds of his performance, as well as, an undetermined OIOS investigation. In alleging that the contested decision is prima facie unlawful, he challenged the reasons provided for the non-renewal in light of his ePAS records assessing his performance with no show of instances of difficulties and/or shortcomings. The Tribunal finds that the Respondent did not adduce sufficient evidence and facts on which the decision of non-renewal can be based and granted the suspension of action.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Suspension of action granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Ullah

Entity

UNGSC

Case Number(s)

UNDT/GVA/2012/074

Tribunal

UNDT

Registry

Geneva

Date of Judgement

20 Sep 2012

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Performance management
Performance evaluation
Separation from service
Suspension of action / interim measures
Prima facie unlawfulness
Applicable Law
Administrative Instructions

- ST/AI/2010/5

Staff Rules

- Rule 10.1(a)
- Rule 10.1(c)
- Rule 4.13(c)
- Rule 9.4

UNDT RoP

- Article 13.3

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2009/003
UNDT/2009/004
2011-UNAT-115
2011-UNAT-153
UNDT/2009/071
UNDT/2009/092
UNDT/2009/096
UNDT/2010/060
UNDT/2010/107
UNDT/2010/213
UNDT/2011/126
UNDT/2011/134
UNDT/2011/190
UNDT/2011/198
UNDT/2012/080
2012-UNAT-230