

# 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