

# **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/OrderAppealed**

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