

UNDT/2012/143, Aliko

UNAT Held or UNDT Pronouncements

Reason for non-renewal of fixed-term appointment: The Organization enjoys broad discretion regarding restructuring measures, including the abolishment of posts. Non-renewal following the expiration of a fixed-term appointment can be based on the lawful abolition of a post due to reorganization activities.

Decision Contested or Judgment/Order Appealed

The Applicant submitted an application for suspension of action, pending management evaluation, of the decision not to renew his fixed-term appointment. The Respondent stated that the contested decision was the result of the abolishment of the Applicant's post due to an organizational restructuring. The UNDT found that the contested decision did not fulfill the prerequisite of *prima facie* unlawfulness, since no serious and reasonable doubts could be adduced. The Organization enjoys broad discretion regarding restructuring measures, including the abolishment of posts. Since no abuse of this discretion could be found the Tribunal had to accept the abolishment as a valid reason for the no-renewal of the Applicant's contract. It accordingly rejected the application for suspension of action.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Aliko

Entity

UNOPS

Case Number(s)

UNDT/GVA/2012/078

Tribunal

UNDT

Registry

Geneva

Date of Judgement

27 Sep 2012

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Suspension of action / interim measures

Prima facie unlawfulness

Applicable Law

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2009/003

UNDT/2009/094

UNDT/2012/140

2010-UNAT-021

2011-UNAT-178

2012-UNAT-236

2011-UNAT-115