

# UNDT/2013/023, Igbiniedion

## UNAT Held or UNDT Pronouncements

In this judgment, on one hand, the Tribunal ruled in favour of the Organization and on the other, in favour of the Applicant. For the Organization - the Tribunal found that non-renewal of the Applicant's appointment was properly based on efforts by the Organization to streamline its practices in line with the funding situation it faced. For the Applicant - the Tribunal held that the Respondent's repeated renewal of the Applicant's appointment and penultimate renewal without a break-in-service with the same conditions of service gave the Applicant a legitimate expectation of renewal.

## Decision Contested or Judgment/Order Appealed

The Applicant contested UN Habitat's decision not to renew his Fixed-Term Appointment, which had expired on 18 April 2011.

## Legal Principle(s)

Pursuant to staff regulation 4.5, a fixed-term appointment does not carry an expectancy of renewal. However, according to the Tribunal's jurisprudence, discretionary decisions regarding renewal of appointments are subject to evaluation for reasonableness, lack of arbitrariness or improper purpose.

## Outcome

Judgment entered for Applicant in full or in part

## Outcome Extra Text

The Tribunal awarded the Applicant compensation in the amount of two (2) months' net-base salary.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Igbinedion

## Entity

UN-Habitat

## Case Number(s)

UNDT/NBI/2011/023

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

18 Feb 2013

## Duty Judge

Judge Boolell

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Compensation

Separation from service

Expiration of appointment (see also, Non-renewal)

## Applicable Law

Staff Rules

- Rule 11.2(c)
- Rule 4.12
- Rule 4.13
- Rule 4.13(a)
- Rule 4.5

UNDT RoP

- Article 35
- Article 7

UNDT Statute

- Article 8.3

## Related Judgments and Orders

2014-UNAT-411