

UNDT/2013/058, Kulawat

UNAT Held or UNDT Pronouncements

The Applicant was denied eligibility for conversion because in 2006 she had a break in service of eight days, which interrupted the continuity of her service. The UNDT found that the main issue in the case was whether the break in service in 2006 can be taken into account for the purpose of conversion to a permanent appointment. The UNDT found that the break in service that took place in 2006 shall not be taken into account because the Applicant was induced into taking it, without proper legal basis, as a condition for her employment in New York. The UNDT ordered rescission of the decision declaring the Applicant ineligible to be considered for conversion. The UNDT ordered that the Applicant be given full and fair consideration for conversion to a permanent appointment. The UNDT awarded the Applicant USD7,000 as compensation for non-pecuniary harm (moral damages).

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member of the United Nations Secretariat, contested the decision, conveyed to her in August 2011, that she was ineligible to be considered for a conversion of her fixed-term appointment to a permanent appointment.

Legal Principle(s)

Reasons for administrative decisions: Administrative decisions must be based on proper reasons and take into account proper facts and considerations. Relief, compensation: An applicant must substantiate the pecuniary and/or non-pecuniary damages that she or he claims to have suffered in consequence of the Administration's violation(s) of her or his rights. Where a person's rights have been infringed there is an entitlement to a remedy.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Kulawat

Entity

DSS

Case Number(s)

UNDT/NY/2011/076

Tribunal

UNDT

Registry

New York

Date of Judgement

22 Mar 2013

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Applicable Law

Secretary-General's bulletins

- ST/SGB/2009/10

Staff Rules

- Rule 104.13
- Rule 104.3
- Rule 13.4
- Rule 4.17

Related Judgments and Orders

UNDT/2010/042

UNDT/2012/178

UNDT/2009/075

UNDT/2011/126

UNDT/2012/033

UNDT/2013/006

UNDT/2013/031

2010-UNAT-009

2010-UNAT-044

2010-UNAT-094

2010-UNAT-095

2010-UNAT-100