

UNDT/2013/067, Benchebbak

UNAT Held or UNDT Pronouncements

Staff rule 12/3(b) – exception to staff rules: The Tribunal held that under the unique circumstances of this case, that is, the requests from MINURSO recognizing the Applicant’s suitability for the post and the Mission’s dire operational needs, for the Respondent to have properly complied with staff rule 12.3(b), the Applicant’s existing educational qualifications along with his professional qualifications and language skills should have been considered regardless of whether or not they were equivalent to a high school diploma.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to not renew his contract on the basis that he did not have the requisite educational requirements. The Tribunal therefore considered whether the Applicant’s request for an exception under staff rule 12.3(b) was properly considered prior to the non-renewal decision being made.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Applicant was awarded six months net base salary.

Full judgment

[Full judgment](#)

Applicants/Appellants

Benchebbak

Entity

MINURSO

Case Number(s)

UNDT/NBI/2011/70

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

19 Apr 2013

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-renewal

Reason(s)

Separation from service

Applicable Law

Administrative Instructions

- ST/AI/2006/3

Staff Rules

- Rule 12.3(b)

Related Judgments and Orders

UNDT/2009/030

2011-UNAT-109