

UNDT/2013/073, Chowdhury

UNAT Held or UNDT Pronouncements

The Assistant Secretary-General for Human Resources Management and the CRB correctly determined that it cannot be in the interest of the Organization nor of its operational activities to grant permanent appointments under the circumstances in force. UNDT rejected the Application to rescind the decision of the Respondent not to grant the him a permanent appointment. There was no indication that the ICTR was afforded delegation of authority to convert a staff member to a permanent appointment; Section 3.3 of SGB/2009/10 only gives power to the responsible officer of Human Resources at a duty station to recommend a staff member for permanent appointment. This recommendation has to be approved by the Assistant Secretary-General for Human Resources Management, which approval can then be reviewed by the CRB. UNDT held that this procedure was correctly applied in this case. The recommendation made by the CRB was properly acted upon by the Respondent and the necessary elements of the conversion process were correctly adhered to. It was also appropriate for the CRB to recommend that the Office of Human Resources Management and the Administration of both the ad hoc Tribunals continue their joint efforts to place the staff of these two Tribunals within other offices of the Secretariat offices using established procedures. UNDT dismissed the Application.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Assistant Secretary-General for Human Resources Management not to grant him a permanent appointment, which was a consequence of the downsizing of the International Criminal Tribunal for Rwanda (ICTR) following the adoption of Security Council Resolution 1503 (2003).

Legal Principle(s)

The exercise in the determination of whether candidates should be granted a permanent appointment is two-fold. The responsible officers in the Office of Human Resources Management and the Central Review Bodies (CRB) should first consider whether the candidates satisfy the test of personal attributes. Then the interest of the Organization comes into play.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Chowdhury

Entity

ICTR

Case Number(s)

UNDT/NBI/2012/28

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

30 Apr 2013

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Reassignment or transfer

Restructuring

Applicable Law

Former Staff Rules

- Rule 104.12(b)
- Rule 104.13

GA Resolutions

- A/RES/37/126
- A/RES/57/226

Secretary-General's bulletins

- ST/SGB/2009/10

Security Council Resolutions

- S/RES/1503

Related Judgments and Orders

2014-UNAT-441