

UNDT/2013/106, Balan

UNAT Held or UNDT Pronouncements

The Tribunal found that the decision not to grant the Applicant a permanent appointment was a reasonable exercise of discretion and the Administration's reasons for the decision were acceptable.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision not to grant her a permanent appointment on the grounds that the operational reality of the Organization which was the funding of UNIC, where she was employed was not sustainable in the future.

Legal Principle(s)

Permanent appointment: Staff members eligible for conversion to permanent appointment have no right to be granted such an appointment, but only that of being considered for conversion. Downsizing: It is neither in the interest of the Organization nor of its operational activities to grant permanent appointment to staff whose service, by the terms of their letter of appointment, is limited to an entity which is downsizing.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Balan

Entity

DPI

Case Number(s)

UNDT/GVA/2012/67

Tribunal

UNDT

Registry

Geneva

Date of Judgement

22 Aug 2013

Duty Judge

Judge Laker

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Applicable Law

Former Staff Rules

- Rule 104.12(b)
- Rule 4.4(b)

Secretary-General's bulletins

- ST/SGB/2009/10
- ST/SGB/2011/1

Related Judgments and Orders

UNDT/2013/073

2010-UNAT-084

2011-UNAT-110