

UNDT/2013/143, Carrabregu

UNAT Held or UNDT Pronouncements

She alleged that the Administration advised her wrongly to resign from her 100-series fixed-term appointment (FTA) with UNDP, Kosovo, in 2007, when she was offered a FTA with UNV, Bonn, and argued that her resignation cannot be taken into account when assessing her eligibility for consideration for conversion, namely the requirement of 5-year continuous service. Following requests for additional information, the Tribunal found that the Administration put the Applicant into an illegal situation when she was first offered a 300-series appointment of limited duration with UNV, Bonn, while she remained on a 100-series contract—on special leave without pay— from UNDP, Kosovo, and was then asked to resign from her position with UNDP, Kosovo, to be granted a 100-series FTA with UNV, Bonn, which is an integral part of UNDP. The Tribunal decided that the Applicant's service be deemed continuous and that the contested decision be rescinded.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to deem her ineligible for consideration for conversion to a permanent appointment.

Legal Principle(s)

Consideration for conversion to a permanent appointment: An Applicant who benefitted from an Organization's policy which was found by the Tribunal to be illegal should not be disadvantaged and that Applicant's resignation from a contract for the purpose to be granted a new appointment, if based on that policy, cannot be taken into consideration when assessing the Applicant's eligibility for conversion to a permanent appointment, when examining the requirement of 5-year continuous service.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

No compensation ordered (but judgement for the Applicant)

Full judgment

[Full judgment](#)

Applicants/Appellants

Carrabregu

Entity

UNDP

Case Number(s)

UNDT/GVA/2013/4

Tribunal

UNDT

Registry

Geneva

Date of Judgement

18 Nov 2013

Duty Judge

Judge Cousin

Language of Judgment

French
English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)
Permanent appointment

Applicable Law

Former Staff Rules

- Rule 104.3
- Rule 105.2(a)

UNDT RoP

- Article 17