

UNDT/2014/085, Kouadio

UNAT Held or UNDT Pronouncements

The Tribunal established that it was clear from the facts and documents provided that the Applicant never received written notice of non-renewal of his contract but was informed orally. The Tribunal thus concluded that the Applicant's rights were not respected and strongly condemned the attitude of the Administration which, despite the decisions of the Appeals Tribunal in which it had been decided that written notification was essential in order to allow a staff member to assert his rights, had simply decided to ignore these principles. Consequently, the Tribunal held that it was unable to rule on the receivability of the Application in the absence of written notification of the contested administrative decision in accordance with the jurisprudence. Accordingly, the Tribunal ordered the Administration to notify in writing its decision to abolish the Applicant's position and not to renew his employment contract beyond 30 June 2011.

Decision Contested or Judgment/Order Appealed

The Applicant contested UNOPS's decision communicated to him orally on 9 May 2011 to not renew his fixed-term contract effective 30 June 2011.

Legal Principle(s)

Pursuant to the settled jurisprudence of the Tribunal, unless the decision is notified in writing to the staff member, the limit of 60 calendar days for requesting management evaluation of that decision does not start. Further, where the Administration chooses not to provide a written decision, it cannot lightly argue receivability *ratione temporis*.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Kouadio

Entity

UNOPS

Case Number(s)

UNDT/NBI/2013/38

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

26 Jun 2014

Duty Judge

Judge Boolell

Language of Judgment

French

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Administrative decision

Notification

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

Staff Rules

- Rule 11.2(a)

UN Charter

- Article 92

UNDT RoP

- Article 19
- Article 36

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

2015-UNAT-558