

UNDT/2014/108, Hajdari

UNAT Held or UNDT Pronouncements

The Tribunal found that the decision regarding the Applicant's reinstatement has a crucial impact on the case because had his request to be reinstated be considered positively, his service with the Organization would have been considered continuous. The Tribunal ordered the Administration to decide on the request for reinstatement after a policy including the conditions for reinstatement is promulgated and to review, afterward, the decision to consider the Applicant ineligible for consideration for conversion to a permanent appointment. The Tribunal remanded the contested decision to the Administration for reconsideration on the basis that the break in service was through no fault of the applicant and the applicant had requested reinstatement at the management evaluation stage and the Administration had not addressed his request then.

Decision Contested or Judgment/Order Appealed

The applicant contests the decision not to consider him eligible to consideration for conversion for permanent appointment because of a 10-day break in service between two appointments in UNMIK and in DSS New York in 2005. The Applicant had requested reinstatement at the management evaluation stage and the Administration did not address his request before upholding the contested decision.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

No compensation ordered (but judgment for Applicant)

Full judgment

[Full judgment](#)

Applicants/Appellants

Hajdari

Entity

DSS

Case Number(s)

UNDT/NY/2011/67

Tribunal

UNDT

Registry

New York

Date of Judgement

30 Jul 2014

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Applicable Law

Secretary-General's bulletins

- ST/SGB/2009/10

Staff Rules

- Rule 4.17
- Rule 4.18
- Rule 9.2
- Rule 9.4