

# UNDT/2014/146, Wu

## UNAT Held or UNDT Pronouncements

He claims that all other retirees who had been employed were granted the maximum of 125 working days under ST/AI/2003/8/Amend.2, while he was granted only 106 working days in 2013. The Chief, CTS, allegedly favored those retirees who invited him/made him gifts, while the Applicant was discriminated and retaliated, since he had reported the unethical behavior by the Chief, CTS. The Tribunal found that retirees have no “right” to be employed for a maximum of 125 working under the terms of ST/AI/2003/8/Amend.2. The Applicant failed to provide evidence that the decision was motivated by extraneous factors and no express promise had been made to extend the Applicant’s appointment. The Tribunal noted that the reason provided (Section’s capacity and workload) was supported by the facts, and rejected the application.

## Decision Contested or Judgment/Order Appealed

The Applicant, a retiree in receipt of a pension benefit from the UNJSPF, who had been re-employed as Reviser at the Chinese Translation Section (CTS), UNOG, contests the decision not to renew his temporary contract beyond the end of November 2013.

## Legal Principle(s)

Employment of retirees: The conditions of employment of retired language services staff are far more restrictive than those of other categories of staff members under temporary appointments. Section 6.1(b) of ST/AI/2003/8/Amend.2 does not create a right to be employed; rather, it prohibits employment beyond the maximum of 125 working days. Also, sec. 7 of the same administrative instruction, which provides that “[r]etirees from another common system organization may exceptionally be employed in the absence of qualified and available non-retiree candidates, as well as

of qualified and available United Nations retiree candidates”, does not establish a right to be employed for UN retirees.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Wu

## Entity

UNOG

## Case Number(s)

UNDT/GVA/2014/14

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

19 Dec 2014

## Duty Judge

Judge Laker

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Appointment (type)

Discrimination and other improper motives

## Applicable Law

Administrative Instructions

- ST/AI/2003/8/Amend.2
- ST/AI/2010/4/Rev.1

Staff Regulations

- Regulation 4.5(b)

Staff Rules

- Rule 4.12

## Related Judgments and Orders

2010-UNAT-085

2011-UNAT-138

2011-UNAT-153

2013-UNAT-341

2013-UNAT-311

2012-UNAT-261

2011-UNAT-115