

UNDT/2015/123, Khalaf

UNAT Held or UNDT Pronouncements

Consultation prior to the contested decision being taken: The Applicant alleged that he was not consulted prior to the contested decision being taken. The Tribunal was satisfied however that the Applicant had written notice of the impending decision from as early as 7 January 2013 and that from this date he engaged in extensive correspondence with the Administration about this issue. The Tribunal held that the Applicant was consulted and that such consultation met the test set out previously in Rees UNDT/2011/156, Gehr UNDT/2011/142 and Adundo et al. UNDT/2012/188 Legitimate expectation of renewal: The Applicant claimed that he had a legitimate expectation of renewal based on the narrative in UNAMI's 2014 budget proposal sent to the ABACQ and the 5th Committee and supportive correspondence from the Head of Office. The Tribunal held that while these factors may have given the Applicant some cause for hope that the status quo would be maintained in Kirkuk, neither the budget proposal nor any views expressed by the Head of Office can be interpreted as an express promise that his contract would be renewed.

Decision Contested or Judgment/Order Appealed

The Applicant contested a decision of the United Nations Assistance Mission for Iraq (UNAMI) to not renew his fixed-term appointment beyond 31 December 2013.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Khalaf

Entity

UNAMI

Case Number(s)

UNDT/NBI/2014/18

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

31 Dec 2015

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Arbitrary or improper motive
No expectancy of renewal
Separation from service
Applicable Law
Staff Rules

- Rule 4.13(c)

Related Judgments and Orders
UNDT/2011/142
UNDT/2011/156
2011-UNAT-122
2014-UNAT-425
UNDT/2012/188
2015-UNAT-503