

# **UNDT/2016/062, Njoe**

## UNAT Held or UNDT Pronouncements

Lateral reassignment: The Tribunal held that the decision to laterally transfer the Applicant was lawful as it fulfilled the conditions for such a transfer as set out in Rees. The new post was at the staff member's grade; the responsibilities involved corresponded to his level; the functions to be performed were commensurate with the Applicant's competence and skills and the Applicant had substantial experience in the field. Reasons for the contested decision: The Tribunal held that the Applicant's complaints about the lack of or the adequacy of reasons for the decision were unsubstantiated because he was given reasons in the decision letter. The reasons were based on the policy of the ECA to move IDEP in the direction of a virtual e-learning institution. The Tribunal concluded that while the Applicant may not have agreed with the policy that underpinned the decision, as a staff member it was a policy decision that he was bound by.

## Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision by ECA to laterally reassign him from ECA in Addis Ababa, Ethiopia, to the African Institute for Economic Development and Planning (IDEP) in Dakar, Senegal, effective 1 January 2015. The Tribunal concluded that the decision to laterally reassign the Applicant to the P-5 post in IDEP was a lawful exercise of the Secretary-General's discretion under staff regulation 1.2(c) and dismissed the application.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Njoe

## Entity

ECA

## Case Number(s)

UNDT/NBI/2015/49

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

27 May 2016

## Duty Judge

Judge Shaw

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Discrimination and other improper motives  
Reassignment or transfer  
Discretion

## Applicable Law

Administrative Instructions

- ST/AI/2010/3

Staff Regulations

- Regulation 1.2(c)

## Related Judgments and Orders

UNDT/2011/156

UNDT/2012/078

2010-UNAT-021

2011-UNAT-122

2013-UNAT-329