

UNDT/2016/085, Hashim

UNAT Held or UNDT Pronouncements

Restructuring process: The Tribunal concluded that there were no procedural irregularities in either the creation of Oversight and Support Division (OSD) or the subsequent restructuring/realignment process. Both were undertaken in a fully transparent manner, with full consultation of all staff members including the Applicant. Sufficiency of reasons: The Tribunal concluded that the Applicant was given reasons for the decision on more than one occasion including those conveyed to her by her staff representative following a meeting with UNDP Senior Management. These reasons were based on the restructuring and resulting redundancy of her position. Legitimate expectation: The Tribunal noted that the OSD Team Leader assured the Applicant that she would continue to manage the communications functions as shown in the PACOM organogram after the hiring of the PACOM Team Coordinator. However this was a reiteration of her existing TOR, not a promise that her contract would be renewed on its expiry.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision not to renew her fixed-term appointment with UNDP Sudan. The Tribunal found that the Applicant had not discharged the burden of proving that the decision not to renew her FTA on its expiry was vitiated by procedural irregularity or was ill motivated. The Application was dismissed.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Hashim

Entity

UNDP

Case Number(s)

UNDT/NBI/2015/71

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

17 Jun 2016

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Arbitrary or improper motive

Reason(s)

Separation from service

Applicable Law

UNDT RoP

- Article 18.1
- Article 18.5

Related Judgments and Orders

2013-UNAT-281

2014-UNAT-450

2015-UNAT-522

2015-UNAT-503