

UNDT/2016/093, Keegan

UNAT Held or UNDT Pronouncements

Downsizing: The Tribunal found that the decision to cut the Applicant's post and to not renew her appointment beyond its expiry was made in the context of the downsizing of the Mission. It was a rational decision made in light of the needs of the Organization. It was made and conducted in accordance with the procedures outlined in the information circulars. It was, with the exception of the short delay in conveying the actual decision, procedurally regular and lawful. Comparative review process: The Tribunal concluded noted that the functional title of the Applicant's post did not match the functions she actually performed and that the Administration correctly placed her in the occupational group of administrative assistant when it came to deciding if her post was to be subject to a comparative review. Since she encumbered the sole administrative post in the Engineering Section, a comparative review process was not required. The Applicant was given full and fair notice and the opportunity to express her interest in suitable vacant posts. The implementation of the decision was procedurally correct.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision to abolish her post MONUSCO. The Tribunal concluded that the contested decision was lawful and dismissed the application.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Keegan

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2015/87

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

28 Jun 2016

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Discrimination and other improper motives

Gender

Non-renewal

Arbitrary or improper motive

Reason(s)

Separation from service

Applicable Law

Information Circulars

- MONUSCO IC 2015/09
- MONUSCO IC 2015/11
- MONUSCO IC 2015/13

Secretary-General's bulletins

- ST/SGB/2008/5

Related Judgments and Orders

2014-UNAT-433/Corr.1

2015-UNAT-503