# **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