

UNDT/2017/079, Oguntola

UNAT Held or UNDT Pronouncements

The instruments invoked by the Applicant did not lend support to the contention about illegality of the abolition of his post occasioned by the fact that a post of a similar functionality would have been subsequently created within ECA. No violation of procedures envisaged in these instruments has been shown. Specifically, neither of these instruments obligated ES/ECA to carry out redeployment or classification of existing Regional Advisor posts in priority over creation of new posts at ECA. The Tribunal found no abuse, arbitrariness or unfairness in the abolition of the Applicant's post considering that all 13 Regional Advisors' posts were abolished, which indicated a genuine pursuit of reform and not targeting individuals. As concerns establishment of a new post, of a "comparable or related" functionality to the one held by the Applicant, the Tribunal did not find it prima facie capricious or unreasonable. As admitted by the Applicant, the character of his fixed-term appointment did not require ES/ECA to retain his post after expiration of his term in priority over reformulating ECA and the RPTC advisory services. All these factors considered, there was no abuse of discretion in opting for a creation of a new post at ECA, even if certain responsibilities were to be replicated. The imperative of lack of abuse, arbitrariness or unfairness was satisfied once the new posts were open for people who encumbered Regional Advisors' positions to apply and compete for them, an opportunity of which the Applicant availed himself.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision taken by the Executive Secretary, ECA (ES/ECA) not to renew his fixed-term appointment on the basis of his post being abolished.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Oguntola

Entity

ECA

Case Number(s)

UNDT/NBI/2013/034

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

28 Sep 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal
Applicable Law
Administrative Instructions

- ST/AI/1998/9

Secretary-General's bulletins

- ST/SGB/2000/8

Related Judgments and Orders
2018-UNAT-848