

UNDT/2018/058, Edwards

UNAT Held or UNDT Pronouncements

The Tribunal dismissed the application. Whereas the Applicant contended, that pursuant to ST/AI/2005/3 (Sick leave), his contract should have been extended beyond its expiry date, in order to allow him to avail himself of the right to exhaust his sick leave the Tribunal found that there was no evidence that (ST/AI/2005/3) expressly provided for its applicability to UNOPS and that the Applicant did not show that UNOPS accepted the applicability of the policy. Accordingly, the Tribunal held that there was no merit in the Applicant's contention that it was unlawful to separate him from service while he was on certified sick leave.

Decision Contested or Judgment/Order Appealed

The Applicant contested UNOPS's decision to separate him from service on 31 May 2016 while he was on certified sick leave.

Legal Principle(s)

a)According to staff regulation 4.5(c), a fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service. b)Pursuant to staff rule 9.4, a temporary or fixed-term appointment expires automatically and without prior notice on the expiration date specified in the letter of appointment. c)Pursuant to the Tribunal's jurisprudence, administrative issuances by the Secretary-General do not apply to the separately administered funds, organs or programmes of the United Nations, unless otherwise stated therein, or unless the separately administered funds, organs and programmes have expressly accepted their applicability.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Edwards

Entity

UNOPS

Case Number(s)

UNDT/NBI/2016/039

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

15 May 2018

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Separation from service
Applicable Law
Administrative Instructions

- ST/AI/2013/1

Staff Regulations

- Regulation 4.5(c)

Staff Rules

- Rule 9.4