

UNDT/2020/043, Quatrini

UNAT Held or UNDT Pronouncements

The Tribunal found that the provided reason for not renewing the Applicant's appointment was not properly based on facts and, consequently, that the contested decision was unlawful. To determine remedies, through a subsequent judgment, the Tribunal instructed the parties to file final submissions on the matter taking into account its findings in the instant Judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested various circumstances surrounding the non-renewal of his fixed-term appointment.

Legal Principle(s)

It is trite law that the Applicant must identify and define the administrative decision that s/he wishes to contest (see, for instance, the Appeals Tribunal in Planas 2010-UNAT049 and Farzin 2019-UNAT-917). The Appeals Tribunal has also held that "the Dispute Tribunal has the inherent power to individualize and define the administrative decision challenged by an applicant and to identify the subject(s) of judicial review" (see para. 20 of Fasanella 2017-UNAT-765). A fixed-term appointment does not carry any expectancy of renewal and expires automatically without prior notice on the expiration date pursuant to staff regulation 4.5(c) and staff rules 4.13(c) and 9.4. The Administration is, nevertheless, required to provide a reason for such a non-renewal upon the relevant staff member's request, and this reason must be lawful and based on correct facts. Restructuring exercises constitute a legal justification for not renewing a fixed-term appointment (Islam 2011-UNAT-115), and the Administration has "broad discretion to reorganize its operations and departments to meet changing needs and economic realities" (see Timothy 2018-UNAT-847, para. 25).

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Quatrini

Entity

UNCCD

Case Number(s)

UNDT/GVA/2018/048

Tribunal

UNDT

Registry

Geneva

Date of Judgement

19 Mar 2020

Duty Judge

Judge Buffa

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

Staff Regulations

- Regulation 4.5(c)

Staff Rules

- Rule 4.13(c)
- Rule 9.4

UNDT RoP

- Article 14.1

UNDT Statute

- Article 10.2
- Article 10.5

Related Judgments and Orders

2010-UNAT-049

2019-UNAT-917

2017-UNAT-765

2011-UNAT-115

2018-UNAT-847