

UNDT/2020/065, Rashid

UNAT Held or UNDT Pronouncements

Applying the plain meaning of staff rule 9, it is clear that the Administration bears no obligation to place staff members who hold a fixed-term appointment whose posts are abolished. There is no obligation to place such staff members onto other posts outside of the regular selection process.

Decision Contested or Judgment/Order Appealed

Failure to retain the Applicant whose post is abolished.

Legal Principle(s)

The first step of the interpretation of any rule is to pay attention to its literal terms. The Administration has no obligation to make efforts to retain a staff member holding a fixed-term appointment whose posts are set for abolition. Expiration of a fixed-term appointment is not termination under staff rule 9.6.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Rashid

Entity

UNS

Case Number(s)

UNDT/NY/2019/017

Tribunal

UNDT

Registry

New York

Date of Judgement

4 May 2020

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Administrative Instructions

Staff Rules

- Rule 9.6(e)
- Rule 9.6(f)

Related Judgments and Orders

2012-UNAT-225

2016-UNAT-705

2018-UNAT-847

2018-UNAT-892