

UNDT/2020/105, Patkar

UNAT Held or UNDT Pronouncements

The Tribunal found that the application was not receivable. It resulted from the file that, on 24 November 2017, the Applicant received a letter indicating that she had not been matched against any post in the newly planned structure of the Water Supply and Sanitation Collaborative Council (WSSCC). This letter clearly stated that “all posts in the current WSSCC structure [were] being abolished with effect [close of business] 31 March 2018”, that her appointment would not be renewed when it expires on 31 March 2018 and she would be separated from service. The Tribunal considered that the language of the letter was unambiguous and unconditional about the separation of the Applicant upon the expiration of her appointment on 31 March 2018. However, the Applicant only requested management evaluation of the decision not to renew her appointment on 7 February 2018, namely after expiration of the 60-day deadline set out in staff rule 11.2(c). The Tribunal was mindful that the 24 November 2017 letter in question provided that should the Applicant be selected for another position before 31 March 2018, the nonrenewal decision would cease to be applicable. However, this does not mean that the decision communicated to the Applicant on 24 November 2017 was not final. The Tribunal considered that any subsequent decision to rescind the earlier non-renewal decision due to the Applicant’s selection for another position would have been simply a new administrative decision superseding a previous decision.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision not to renew her fixed-term appointment beyond 31 March 2018.

Legal Principle(s)

The date of an administrative decision is based on objective elements that both parties (Administration and staff member) can accurately determine (Rosana 2012-UNAT-273, Newland 2018-UNAT-820).

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Patkar

Entity

UNOPS

Case Number(s)

UNDT/GVA/2018/059

Tribunal

UNDT

Registry

Geneva

Date of Judgement

30 Jun 2020

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Separation from service

Applicable Law

Staff Rules

- Rule 11.2(c)

UNDT Statute

- Article 8.1

Related Judgments and Orders

2012-UNAT-273

2018-UNAT-820