

UNDT/2020/127, Hossain

UNAT Held or UNDT Pronouncements

There was a final decision because the performance rating of “partially satisfactory” became binding on the Applicant once the Rebuttal Panel issued its recommendation of 25 May 2018. The application, however, was not receivable because the Applicant failed to prove that there were direct legal consequences stemming from the Rebuttal Panel’s decision.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision of the Rebuttal Panel to maintain the rating of “partially satisfactory” that he received in his 2016 Performance Management and Development (PMD) assessment.

Legal Principle(s)

A decision is challengeable under art. 2.1(a) of the UNDT Statute if it is final and produces direct legal consequences to the legal order. Conversely, a decision that is final but produces no direct legal consequence on a staff member’s terms of appointment or the contract of employment is not receivable by the Tribunal.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Hossain

Entity

UNDP

Case Number(s)

UNDT/NBI/2019/023

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

27 Jul 2020

Duty Judge

Judge Sikwese

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNDT or first instance)

Performance management

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNDP Performance Management and Development Policy

UNDT Statute

UNAT Statute

- Article 2.1(a)