

UNDT/2020/161, Batra

UNAT Held or UNDT Pronouncements

The Applicant's performance appraisal was fair and supported by the facts in evidence. The Administration was justified in deciding not to extend the Applicant's temporary appointment for poor performance. There was no justification to extend the Applicant's appointment beyond the maximum 364 days. The Applicant filed a complaint of harassment after she had received the request for management evaluation. She was therefore not able to show a link between her complaint and the decision not to renew her appointment given that the decision occurred months before the filing of the complaint. There is no evidence that the contested decisions were influenced by the Applicant having voiced concerns of alleged misconduct in her division prior to the contested decisions.

Decision Contested or Judgment/Order Appealed

Decision not to renew the Applicant's temporary appointment and the decision to place her latest performance appraisal in her personnel file.

Legal Principle(s)

Temporary appointments do not carry expectancy of renewal, irrespective of length of service. Where performance is the reason provided for the decision not to extend the applicant's appointment, the Administration is required to provide a performance-related justification for its decision. In reviewing the Administration's appraisal of a staff member's performance, the Dispute Tribunal may not review such appraisal de novo, substituting its judgment for that of the Administration.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Batra

Entity

DGACM

Case Number(s)

UNDT/NY/2019/052

Tribunal

UNDT

Registry

New York

Date of Judgement

1 Sep 2020

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Arbitrary or improper motive

Applicable Law

Administrative Instructions

- ST/AI/2010/4/Rev.1

Staff Regulations

- Regulation 4.5(b)

Staff Rules

- Rule 4.12(c)

Related Judgments and Orders

2017-UNAT-721

2017-UNAT-757