

UNDT/2021/022, Koduru

UNAT Held or UNDT Pronouncements

Receivability The Applicant's appointment was extended beyond its expiration date to allow her to exhaust her medical leave entitlements. The Applicant's entitlements, had her contract been extended, would be calculated on a different scale from that applied during her sick leave. Moreover, should the contested decision be found unlawful, the Applicant could be entitled to receive compensation for the harm caused by the unlawful decision under art. 10.5(b) of the Dispute Tribunal's Statute regardless of any entitlements she may have benefited from during her sick leave. The application cannot be deemed moot as per Kallon 2017-UNAT-742 (paras. 44-45). The calculation of any compensation for remedy is a matter of merits, not receivability. The application does not fall within the meaning of Belkhabbaz 2018-UNAT-895 (para. 40). **Merits** The Applicant alleges that the decision was the result of protracted harassment but has not contested any of the alleged instances of harassment, nor does she bring evidence of a causal link between any such alleged harassment and the contested decision. The reason provided by the Respondent for the non-renewal of the Applicant's appointment – the abolition of her post following the closure of the mission – is borne out by the facts in evidence and there is no evidence of ulterior motive. Given that the Applicant held a fixed-term appointment that expired, the Administration had no obligation to make efforts to retain her.

Decision Contested or Judgment/Order Appealed

Separation from service following non-extension of fixed-term appointment.

Legal Principle(s)

Fixed-term appointments do not carry expectancy of renewal. The applicant bears the burden of showing that the contested decision was based on undue motives. The Administration has no obligation to make efforts to retain a staff member whose fixed-term appointment expires.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Koduru

Entity

MINUJUSTH

Case Number(s)

UNDT/NY/2020/015

Tribunal

UNDT

Registry

New York

Date of Judgement

9 Mar 2021

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Non-renewal

Arbitrary or improper motive

Applicable Law

Staff Regulations

- Regulation 4.5(c)

Staff Rules

- Rule 4.13(c)
- Rule 9.6(e)

Related Judgments and Orders

2017-UNAT-742

2018-UNAT-895