

UNDT/2021/050, Amoussouga-Gero

UNAT Held or UNDT Pronouncements

The Applicant's appointment rested with the Human Resources Section and not the DMS, the mere recommendation by the latter of extension of the contract did not constitute a firm commitment for the Organization under the applicable jurisprudence, nor did the extension of his ground pass, which is a mere organizational permission. Therefore, the Tribunal finds that the Applicant did not have a legitimate expectation of renewal of his fixed-term appointment. The Applicant's post was among those whose unique function was to be abolished in the affected unit and therefore, deemed to be a "dry cut". As the Applicant was the only D-1 in the concerned office, there was no requirement for the Administration to conduct a comparative review.

Decision Contested or Judgment/Order Appealed

Non-renewal of the Applicant's fixed-term appointment.

Legal Principle(s)

A fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal. A legitimate expectation of the renewal of an appointment of limited duration must be based on a firm commitment, expressed in writing.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Amoussouga-Gero

Entity

MINUSCA

Case Number(s)

UNDT/GVA/2019/020

Tribunal

UNDT

Registry

Geneva

Date of Judgement

3 May 2021

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Termination

Non-renewal

No expectancy of renewal

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

GA Resolutions

- A/RES/72/290

Staff Regulations

- Regulation 4.5(c)

Staff Rules

- Rule 4.13(c)

Related Judgments and Orders

2011-UNAT-138

2011-UNAT-153

2018-UNAT-849

2014-UNAT-411