

UNDT/2021/060, El-Alwar

UNAT Held or UNDT Pronouncements

UNDT denied the Applicant's motion in which he sought the disclosure of an extensive amount of additional documents, as it was filed after the end of the collection of evidence and after the submissions of closing statements. UNDT held that the contested non-renewal decision was unlawful because the provided reason for it, namely lack of funding, was not based on correct facts. It was therefore not necessary for UNDT to examine whether the decision was tainted by ulterior motives, as also argued by the Applicant. UNDT held that the most appropriate remedy for the Applicant would be rescission of the unlawful decision not to renew his fixed-term appointment and his reinstatement in the same position he encumbered. UNDT set the amount of the compensation in lieu at 3 months' net-base salary at the P-5 level as per the salary scale in effect at the time of the Applicant's separation from service. UNDT also granted compensation for income loss in the amount of 3 months of net-base salary.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew his fixed-term appointment.

Legal Principle(s)

The Tribunal is aware that a fixed-term appointment does not carry any expectancy of renewal and expires automatically without prior notice on the expiration date. The Administration is, nevertheless, required to provide a reason for such a non-renewal upon the relevant staff member's request, and this reason must be lawful and based on correct facts. The staff member has to demonstrate to have done efforts to mitigate the economic loss arising from an administrative decision impacting on his employment.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

El-Alwar

Entity

UN-Habitat

Case Number(s)

UNDT/GVA/2019/023

Tribunal

UNDT

Registry

Geneva

Date of Judgement

26 May 2021

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

In-lieu compensation

Pecuniary (material) damages

Non-renewal

Arbitrary or improper motive

Remedies

Rescission

Applicable Law

Staff Rules

- Rule 4.13(c)
- Rule 4.5(c)
- Rule 9.4

UNDT Statute

- Article 10.5

Related Judgments and Orders

2010-UNAT-049

2019-UNAT-917

2017-UNAT-765

2011-UNAT-115

2013-UNAT-311

2012-UNAT-201

2015-UNAT-592

2019-UNAT-927

2020-UNAT-1068

2019-UNAT-902

2019-UNAT-960

2020-UNAT-1018

2020-UNAT-1028

2020-UNAT-1043

UNDT/2018/044

UNDT/2018/107

2019-UNAT-930

2014-UNAT-469

2017-UNAT-764

2019-UNAT-899

2013-UNAT-387

2013-UNAT-305

2018-UNAT-895