

2011-UNAT-153, Ahmed

UNAT Held or UNDT Pronouncements

UNAT affirmed the decision of UNDT that the Appellant's adverse performance appraisals constituted a proper basis for the non-renewal of his fixed-term appointment. UNAT held that UNDT did not err in limiting the scope of his application to the non-renewal. UNAT concurred with the former UN Administrative Tribunal which held that unless the Administration made an express promise creating an expectancy of renewal, or unless it abused its discretion, or was motivated by discriminatory or improper grounds in not extending the appointment, the non-renewal of a staff member's fixed-term appointment is not unlawful. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew his fixed-term appointment for poor performance. UNDT dismissed the application.

Legal Principle(s)

Poor performance may constitute a valid reason for the non-renewal of a contract.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ahmed

Entity

UNIC

Case Number(s)

2010-155

Tribunal

UNAT

Registry

New York

Date of Judgement

8 Jul 2011

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Administrative Instructions

- ST/AI/2002/3

Former Staff Rules

- Rule 104.12(b)(ii)
- Rule 109.7(a)

UNDT Statute

- Article 8.1(c)

Related Judgments and Orders

UNDT/2010/161

2010-UNAT-084

2010-UNAT-022

2011-UNAT-121

2010-UNAT-032