

2011-UNAT-181, Alauddin

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant failed to establish that the UNDP decision to contact the Pakistani Government directly to enquire about its deputation policy was improperly motivated. With regard to the new communication upon which the Appellant wished to rely, UNAT held that it was new evidence, for which leave was required, in order to adduce it before UNAT. UNAT did not find any exceptional circumstances existed to require it to consider the new evidence. UNAT held that UNDT did not err in taking into consideration the conditions governing the Appellant's deputation in order to determine his probable period of appointment with UNDP. UNAT held that UNDT correctly determined that it would not be appropriate to order the Appellant's reinstatement. UNAT held that UNDT correctly assessed the compensation for pecuniary damages and declined to enhance the compensation. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew his contract. UNDT found that the Secretary-General was in breach of his contractual obligations towards the Applicant (judgment No. UNDT/2010/114) and awarded compensation (judgment No. UNDT/2010/200).

Legal Principle(s)

Exceptional circumstances are required for UNAT to consider additional evidence that was not previously before UNDT.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Alauddin

Entity

UNDP

Case Number(s)

2010-187

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Oct 2011

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Pecuniary (material) damages

Non-renewal

Reason(s)

Remedies

Compensation (see also, Compensation)

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

UNAT Statute

- Article 2.5

Related Judgments and Orders

UNDT/2010/200

2010-UNAT-059

2010-UNAT-100