

2012-UNAT-206, Liverakos

UNAT Held or UNDT Pronouncements

UNAT considered the Appellant's appeal. UNAT noted that, contrary to the Appellant's contention, UNDT was not required to ascertain whether the closure of the Centre was a consequence of mismanagement or of any other factor since the primary purpose was not to get rid of the Appellant. UNAT found that UNDT did not fail to exercise its jurisdiction by not ascertaining whether the closure of the Centre was the result of serious mismanagement and irregularities. UNAT also found that the Appellant failed to submit sufficiently clear and convincing evidence that the desire to retaliate against him was a key factor in the decision not to renew his appointment. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew his appointment, which had expired. UNDT found that the reason given by the Administration for the non-renewal of the Applicant's appointment, the namely imminent closure of the Centre, was borne out by documents, and was not retaliatory, contrary to the Applicant's contentions. UNDT dismissed the application.

Legal Principle(s)

Fixed-term appointments, including temporary appointments, do not carry with them expectations of renewal. The Secretary-General has the discretionary power not to renew an appointment, so long as there are legal grounds for their decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Liverakos

Entity

DESA

Case Number(s)

2011-210

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Mar 2012

President Judge

Judge Courtial

Language of Judgment

French

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Temporary appointment

Non-renewal

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

Former Staff Rules

- Rule 204.3

Related Judgments and Orders

UNDT/2011/039