

2015-UNAT-522, Munir

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that there was no reason to reverse the finding of UNDT that a legitimate expectation of a one-year extension was unequivocally created by virtue of the decision taken at the Core Management Group meeting. UNAT affirmed the UNDT decision that Mr Munir had a legitimate expectation and the decision of the Resident Representative not to seek a one-year renewal of his contract was an unlawful exercise of discretion. UNAT held that the Secretary-General failed to demonstrate that the compensation was unreasonable because there was a basis for the award of compensation of nine months' net base pay for the separation from service. UNAT held that UNDT erred in law and exceeded its jurisdiction in reviewing the additional complaints concerning the conduct of the Resident Representative, matters which had not been part of the Mr. Munir's request for management evaluation, and making findings reaching the merits in connection with these matters. UNAT held that UNDT erred in awarding moral damages. UNAT held that the appeal succeeded in part. UNAT affirmed the UNDT judgment insofar as it related to the issue of non-renewal of Mr Munir's appointment and the award of nine months' net base pay; set aside part of the UNDT judgment in respect of the placement of Mr Munir on administrative leave and the ensuing investigation, as well as the award in the sum of USD 16,000 as compensation for moral damages.

Accountability referral: UNAT held that UNDT erred in referring the conduct of the Resident Representative to the UNDP Administrator. UNAT set aside the UNDT referral for possible action to enforce accountability.

Decision Contested or Judgment/Order Appealed

Mr Munir contested the decision of the Resident Representative not to request an additional one-year extension of his appointment. UNDT found for Mr. Munir, awarded him compensation, and referred the Resident Representative to the Administrator of UNDP for possible action.

Legal Principle(s)

In order for a staff member's claim of legitimate expectation of a renewal of appointment to be sustained, it must not be based on mere verbal assertion, but on a firm commitment to renewal revealed by the circumstances of the case. Management evaluation is a mandatory first step in the appeal process.

Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Munir

Entity

UNICEF

Case Number(s)

2014-599

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Feb 2015
President Judge
Judge Adinyira
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Non-renewal
Arbitrary or improper motive
Referral for accountability
Applicable Law
UNDT Statute
UNRWA DT Statute

- Article 10.8

Related Judgments and Orders

UNDT/2014/020
2013-UNAT-293
2010-UNAT-035
2011-UNAT-130
2011-UNAT-110
2010-UNAT-084
2013-UNAT-340
2014-UNAT-432
2011-UNAT-138
2011-UNAT-153
2012-UNAT-261
2014-UNAT-411