

2017-UNAT-753, Kiluwe et al.

UNAT Held or UNDT Pronouncements

UNAT held that the Appellants had raised neither factual difference nor legal issues different from those canvassed in companion cases and disposed of in judgment No. 2017-UNAT-750 (Kagizi et al.) and therefore UNAT adopted the reasoning from its prior judgment at paragraphs 18-27. UNAT dismissed the appeals and affirmed the UNDT judgments.

Decision Contested or Judgment/Order Appealed

The Applicants contested the decisions not to renew their appointment on grounds of the abolition of their posts. UNDT held that: the Appellant's challenges to the abolition of their posts were not receivable on the grounds that staff members lacked standing to challenge a decision taken by the General Assembly; the Appellant's challenges to the non-renewal of their appointments were not receivable in so far as they were properly implemented in consequence of the General Assembly's decision to abolish their posts; the contested administrative taken as a result of the decision of the General Assembly were lawful; the relevant Administrative Instruction was not contravened by the subsequent recruitment of the Appellant's under Individual Contractor contracts; and no unequal treatment occurred in the implementation of the Mission's restructuring.

Legal Principle(s)

An administrative decision taken as a result of the General Assembly decision is lawful and the Secretary-General cannot be held accountable for executing such a decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Kiluwe et al.

Entity

MONUSCO

Case Number(s)

2016-1008
2016-1009
2016-1010
2016-1011
2016-1012
2016-1013
2016-1014

Tribunal

UNAT

Registry

New York

Date of Judgement

14 Jul 2017

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Termination

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

Administrative Instructions

- ST/AI/2013/4

Related Judgments and Orders

UNDT/2016/168

UNDT/2016/166

UNDT/2016/165

UNDT/2016/163

UNDT/2016/169

UNDT/2016/175

UNDT/2016/140