

2017-UNAT-754, Kisubi 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 decision 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

Kisubi et al.

Entity

MONUSCO

Case Number(s)

2016-1015

2016-1016

2016-1017

2016-1018

2016-1019

2016-1020

2016-1021

Tribunal

UNAT

Registry

New York

Date of Judgement

14 Jul 2017

President Judge

Judge Raikos
Language of Judgment
English
Issuance Type
Judgment
Categories/Subcategories
Abolition of post
Termination
Jurisdiction / receivability (UNDT or first instance)
Applicable Law
Administrative Instructions

- ST/AI/2013/4

Related Judgments and Orders

UNDT/2016/138
UNDT/2016/139
UNDT/2016/141
UNDT/2016/142
UNDT/2016/143
UNDT/2016/144
UNDT/2016/145