

2018-UNAT-850, Zama

UNAT Held or UNDT Pronouncements

UNAT considered the appeal. UNAT held that the Appellant was estopped from challenging the lawfulness of the reassignment decision made in 2012 because his application to UNDT only challenged the decision to terminate his appointment in 2014. UNAT agreed with UNDT's holding that there was no nexus between the reassignment and the abolition of the Appellant's post. UNAT also agreed with UNDT's finding that UNFPA fulfilled its duties towards the Appellant and had no obligation to place him on a new post. UNAT denied the Appellant's request to overturn the impugned judgment on the sole ground of delay. UNAT further noted that it could not see how this procedural error might have affected the decision of the case. UNAT dismissed the appeal and affirmed the UNDT's judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested UNFPA's decision to terminate his appointment. UNDT found that the evidence did not establish a nexus between the Applicant's reassignment of his post or termination that followed and that the decision to abolish the post was duly authorized by the UNFPA Executive Director. UNDT also found that the Applicant did not fulfil his good faith obligations to seek new employment for himself. UNDT rejected the application and the Applicant's requests for rescission, compensation, and legal costs.

Legal Principle(s)

In a restructuring process, the Administration does not have an obligation to place affected staff members in new positions.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Zama

Entity

UNFPA

Case Number(s)

2018-1138

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Jun 2018

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post
Termination
Jurisdiction / receivability (UNAT)
Subject matter (ratione materiae)
Separation from service
Termination of appointment (see also, Termination of appointment)
Termination (of appointment)
Abolition of position
Applicable Law
Laws of other entities (rules, regulations etc.)
Other UN issuances (guidelines, policies etc.)

- Code of Conduct for the Judges of UNDT and UNAT

UNAT Statute

- Article 2.1

UNFPA Staff Rules

- Rule 11.2
- Rule 13.1
- Rule 9.6

Related Judgments and Orders

UNDT/2017/084

2016-UNAT-688

2017-UNAT-764

2017-UNAT-730