

2020-UNAT-1028, El Najjar

UNAT Held or UNDT Pronouncements

Absent any evidence of any improper motive or irrational consideration, and given the bonafide and operational necessity to restructure, there was no basis to conclude that the UNRWA Commissioner-General acted unreasonably. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The staff member contested the non-renewal of his fixed-term appointment. UNDT held that, in the face of a financial crisis, it was within UNRWA Commissioner-General's discretionary authority to restructure, abolish posts, create new posts and redeploy staff and that he had exercised his discretion reasonably in the circumstances.

Legal Principle(s)

A fixed-term appointment has no expectation of renewal or conversion to another type of appointment. An administrative decision not to renew a fixed-term appointment can be challenged on the grounds of legality, reasonableness, and procedural fairness. If an exercise of discretion by the UNRWA Commissioner-General is legal, rational, procedurally correct, and proportionate, there will be no basis for interference by UNAT.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

El Najjar

Entity

UNRWA

Case Number(s)

2019-1334

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

No expectancy of renewal

Reason(s)

Applicable Law

Laws of other entities (rules, regulations etc.)

UNRWA Area Staff Rules

- Rule 109.5

Related Judgments and Orders

2013-UNAT-311