

2021-UNAT-1102, Archana Patkar

UNAT Held or UNDT Pronouncements

UNAT found no fault with the UNDT's reasoning that the letter of 24 November 2017 was unambiguous and unconditional about the separation of Ms Patkar upon the expiration of her appointment and agreed that the letter conveyed the final decision of the Administration not to renew her appointment. UNAT held that the letter produced a direct adverse consequence which was not contingent upon the possibility of Ms Patkar's selection for any other position. Nor did the relevant provision in the letter that the non-renewal decision would cease to be applicable if Ms Patkar should be selected for another position before 31 March 2018 detract from such a finality. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The decision to not renew Ms Patkar's fixed-term appointment

Legal Principle(s)

An appealable administrative decision is a decision whereby its key characteristic is the capacity to produce direct legal consequences affecting a staff member's terms and conditions of appointment. Further, the date of an administrative decision is based on objective elements that both the Administration and staff members can accurately determine.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Appeal dismissed and Judgment No. UNDT/2020/105 affirmed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Archana Patkar

Entity

UNOPS

Case Number(s)

2020-1422

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Mar 2021

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Management Evaluation

Non-renewal

Applicable Law

Staff Rules

- Rule 11.2(c)

UNDT Statute

- Article 8.1(d)

Related Judgments and Orders

UNDT/2020/105

2017-UNAT-764

2014-UNAT-481

2018-UNAT-840

2019-UNAT-967

2019-UNAT-917

2018-UNAT-876

2017-UNAT-765