

UNDT/2022/012, Iziraren

UNAT Held or UNDT Pronouncements

When the Applicant sought management evaluation of the imposition of a condition to the extension of his fixed-term appointment, he did not contest the actual non-extension of his appointment which was yet to be taken at that time. The Applicant did not seek management evaluation of the non-extension of his fixed-term appointment before he filed the present application. Accordingly, any appeal of the non-renewal of the Applicant's appointment would not be receivable ratione materiae. The imposition of the condition of resignation did not in itself have a direct legal impact on the Applicant's terms of employment. By its own definition, this condition was only meant to have an effect on the eventual decision concerning the extension of the Applicant's appointment. Its challenge is therefore not receivable ratione materiae.

Decision Contested or Judgment/OrderAppealed

Decision to impose the condition to resign from the Applicant's national Government before considering the extension of his fixed term appointment.

Legal Principle(s)

An applicant wishing to challenge an administrative decision before the Tribunal must first submit it for management evaluation. Preparatory steps or actions can only be reviewed by the Dispute Tribunal in the context of an appeal against a final decision of the Administration that has direct legal consequences in the individual's terms of employment. The Tribunal is competent to hear and pass judgment on applications" against administrative decisions "alleged to be in non-compliance with the terms of appointments or the contract of employment".

Outcome

Dismissed as not receivable

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Iziraren

Entity

UNDP

Case Number(s)

UNDT/NY/2021/27

Tribunal

UNDT

Registry

New York

Date of Judgement

11 Feb 2022

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Applicable Law

Staff Regulations

- Regulation 11.2(a)

UNDT Statute

- Article 8.1(c)

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

2015-UNAT-509

2018-UNAT-865