

UNDT/2022/047, Raja

UNAT Held or UNDT Pronouncements

The Tribunal held that based on the available evidence, the Administration had demonstrated that all reasonable efforts were made to consider the Applicant for available suitable posts in keeping with staff rules 9.6(e) and 13.1(d). Good faith efforts to place him in a suitable alternative post were made by the Organization and the Applicant did not find a suitable position before his separation. Accordingly, the application was dismissed.

Decision Contested or Judgment/Order Appealed

The Applicant contested the Administration's decision to not make good faith efforts to absorb him to a new post after the abolition of his post. The Applicant served on a continuing appointment.

Legal Principle(s)

Pursuant to the settled jurisprudence of the Tribunal and in accordance with staff rules 9.6(e) and (f), the Administration has a duty to make reasonable efforts to find suitable placements for staff members whose posts have been abolished. The affected members of staff equally have an obligation to express interest in suitable posts by applying for them. Once the application process is completed the Administration is required to consider the continuing or indefinite appointment holders on a preferred or non-competitive basis for the positions, to retain them. This requires determining the suitability of the staff members for the posts, considering the staff members' competence, integrity and length of service, as well as other factors such as nationality and gender.

Outcome

Dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Raja

Entity

UNAMID

Case Number(s)

UNDT/NBI/2021/53

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

20 May 2022

Duty Judge

Judge Tibulya

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Reasons

Abolition of post

Appointment (type)

Continuing appointment

Applicable Law

Staff Rules

- Rule 13.1(d)
- Rule 9.6(e)
- Rule 9.6(f)

Related Judgments and Orders

2018-UNAT-847