

# **2022-UNAT-1230, Ratnanjali Koduru**

## **UNAT Held or UNDT Pronouncements**

Ms. Koduru appealed. UNAT held that the UNDT did not err in law or fact in concluding that Ms. Koduru's case was fully and fairly considered. Specifically, UNAT found no error in the UNDT's finding that Ms. Koduru had failed to meet the burden of proof that the decision was based on ulterior motives and a protracted pattern of harassment, as well as to establish a causal link between the alleged incidents and the challenged administrative decision not to renew her fixed-term appointment. Rather, such a decision, as correctly determined by the UNDT, was a reasonable and proper exercise of the Administration's discretion based on the operational realities faced by the Administration, which rendered Ms. Koduru's services unnecessary. The non-renewal decision was related to Security Council resolution 2466 (2019) ordering the closure of MINUJUSTH on 15 October 2019, following which Ms. Koduru was placed on Special Leave with Full Pay and subsequently was separated from service after the exhaustion of her sick leave entitlements. In these circumstances, the non-extension of her fixed-term appointment was a legitimate exercise of the Administration's discretion.

## **Decision Contested or Judgment/Order Appealed**

The UNDT held that the application was receivable but that it failed on its merits, finding that the non-renewal decision was lawful, and that Ms. Koduru had failed to show that it was unduly motivated.

## **Legal Principle(s)**

An international organization necessarily has the power to restructure some or all of its departments or units, including the abolition of posts, the creation of new posts, and the redeployment of staff. The Appeals Tribunal will not interfere with a genuine organizational restructuring even though it may have resulted in the loss of

employment of staff. However, even in a restructuring exercise, like any other administrative decision, the Administration has the duty to act fairly, justly, and transparently in dealing with staff members. Fixed-term appointments or appointments of limited duration carry no expectation of renewal or conversion to any other type of appointment. Even the renewal of the appointment of a staff member on successive appointments does not, in and of itself, give grounds for an expectancy of renewal, unless the Administration has made an express promise that gives the staff member an expectancy that his or her appointment will be extended, or there is a firm commitment to renewal revealed by the circumstances of the case. Such promise must at least be in writing. An administrative decision not to renew a fixed-term appointment can be challenged on the grounds that the Administration has not acted fairly, justly or transparently with the staff member or was motivated by bias, prejudice or improper motive. The staff member has the burden of proving such factors played a role in the administrative decision. When judging the validity of the Secretary-General's exercise of discretion in administrative matters, as in the case of a non-renewal decision, the Dispute Tribunal determines if the decision is legal, rational, procedurally correct, and proportionate. The UNDT can consider whether relevant matters have been ignored and irrelevant matters considered, and also examine whether the decision is absurd or perverse. But it is not the role of the Dispute Tribunal to consider the correctness of the choice made by the Secretary-General amongst the various courses of action open to him. Nor is it the role of the Dispute Tribunal to substitute its own decision for that of the Secretary-General. Issues that were not raised before the UNDT cannot be raised for the first time on appeal.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ratnanjali Koduru

## Entity

UN Secretariat

## Case Number(s)

2021-1555

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

18 Mar 2022

## President Judge

Judge Raikos

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Expiration of appointment (see also, Non-renewal)  
Separation from service

## Applicable Law

Staff Regulations

- Regulation 4.13(c)
- Regulation 4.5(c)

Staff Rules

## Related Judgments and Orders

2019-UNAT-974

2017-UNAT-791

2015-UNAT-500

2013-UNAT-311

2014-UNAT-426

2019-UNAT-902

2018-UNAT-844

2016-UNAT-705

2018-UNAT-825

2018-UNAT-849

2017-UNAT-780

2015-UNAT-580

2015-UNAT-522