

UNDT/2022/068, Turk

UNAT Held or UNDT Pronouncements

The Tribunal held that the two applications filed concerned the same subject-matter and the same cause of action between the same parties. There was in substance one administrative decision refusing to renew a fixed-term appointment and the first application was *lis pendens* when the second application was made. The Tribunal further held that the Applicant had acknowledged the same in his motion to merge the two cases and orally during a case management discussion held on 6 July 2022. The Tribunal determined that there was no case for merger and that the application was not receivable under the doctrine of *lis pendens*.

Decision Contested or Judgment/Order Appealed

On 7 January 2022, the Applicant filed an application contesting the decision to not renew his fixed-term appointment (“FTA”) beyond its expiration date of 31 December 2021. That case was registered as Case No. UNDT/NBI/2022/006. On 3 March 2022 he filed the present application, registered as Case No. UNDT/NBI/2022/025, in which he challenged what he described as the non-renewal of his FTA in violation of ST/AI/1998/9 (System for the classification of posts). .

Legal Principle(s)

Outcome

Dismissed as not receivable

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Turk

Entity

UNAMI

Case Number(s)

UNDT/NBI/2022/025

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

18 Jul 2022

Duty Judge

Judge Milart

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Subject matter (*ratione materiae*)

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNDT Statute

- Article 2

Related Judgments and Orders

2020-UNAT-980