

2025-UNAT-1587, Neha Mehta

UNAT Held or UNDT Pronouncements

The UNAT held that the UNDT erred in finding that the former staff member's performance had not been fairly and objectively evaluated. It found that she knew that her telecommuting arrangement was temporary and nevertheless reported to her duty station in Fiji only months later. It emphasized that her delay in requesting the payment of a travel lump sum and in applying for a visa for her mother did not excuse her failure to report timeously. The UNAT confirmed that, in assessing her performance, the Administration was entitled to consider the extent of, reasons, and consequences of her delay in reporting to her duty station, including its impact on her ability to engage effectively with her team and interact with partners in the Fiji geographical area.

The UNAT concluded that the Administration's concerns about the former staff member's performance were legitimate and reasonable, extending well beyond her delay in reporting to her duty station.

The UNAT also found that the UNDT overlooked the fact that the former staff member had been informed of the areas requiring performance improvement over an extended period and had been given a reasonable opportunity to improve her performance but had failed to do so.

The UNAT concluded that the UNDT failed to consider that her deficiencies in core competencies rendered the continuation of her employment untenable.

Finally, the UNAT found that the UNDT's finding that certain communications from the Deputy Director gave rise to an appearance of bias against the former staff member was also unsubstantiated, noting that those communications merely reflected work-related criticisms.

The UNAT granted the appeal and reversed Judgment No. UNDT/2024/114.

Decision Contested or Judgment/Order Appealed

A former staff member of the United Nations Development Programme (UNDP) contested the Administration's decision not to confirm her probationary period, and, as a result, terminate her fixed-term appointment (FTA).

In its Judgment No. UNDT/2024/114, the UNDT granted the former staff member's application, rescinded the contested decision, and fixed the alternative compensation in lieu of rescission at the equivalent of the former staff member's net base salary from 19 September 2023 to 31 August 2024.

The Secretary-General appealed.

Legal Principle(s)

The purpose of a probationary period is not only to assess whether the employee has the technical skills or ability to perform the job, but also to determine whether the employee is suitable and has the ability to fit in.

Some deference must be given to the Administration's appraisal of a staff member's performance, particularly in the context of a probationary period. The UNDT may not second-guess performance standards that fall within the Secretary-General's prerogative, unless those standards are manifestly unfair or irrational. The Administration has the discretion to establish the criteria that a staff member must meet and to terminate the service of a staff member upon unsatisfactory performance of those prescribed criteria.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Neha Mehta

Entity

UNDP

Case Number(s)

2025-2006

Tribunal

UNAT

Registry

New York

Date of Judgement

11 Nov 2025

President Judge

Judge Forbang

Judge Gao

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Unsatisfactory service

Probationary appointment

Termination (of appointment)

Appointment (type)

Applicable Law

None

Related Judgments and Orders

UNDT/2024/114

2017-UNAT-757

2023-UNAT-1364