
Case No.: UNDT/NY/2019/017

Judgment No.:

UNITED NATIONS DISPUTE TRIBUNAL

holding fixed-term appointments shall be retained in preference of staff members with lower level protection.

8. The Applicant further claims that her long service with the Organization and excellent performance were not taken into account for the posts within the Secretariat to which she applied. It cannot therefore be said, she submits, that there were no suitable posts onto which she could have been placed pursuant to staff rule 9.6.

9. The Respondent states that the Applicant's appointment expired rather than was terminated and, therefore, staff rules 9.6(e) and (f) do not apply. Thus, there was no applicable decision to be made. Further, the Respondent states that in any event no administrative decision was made under article 2.1 of the Tribunal's statute.

10. The Applicant responds that the Admini

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for abolition. There is also no obligation to place such staff members in other positions outside of the regular recruitment process before the expiration of their appointments. These staff members may apply and be considered for other positions in the Organization through the regular selection process.

16. The interpretation of Staff Rule 9.6(e) and (f) must also be undertaken in the context of the regulatory framework as a whole. In so doing the plain meaning summarized above is reinforced by Staff Rule 9.6(b) which states that “separation as a result of [...] expiration of appointment [...] shall not be regarded as a termination within the meaning of the Staff Rules”. Accordingly, the Organization was not authorized to make any decision pursuant to Staff Rule 9 (e) and (f) in relation to the Applicant as she had not been terminated.

Conclusion

17. The Tribunal rejects the application as not receivable.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 4th day of May 2020

Entered in the Register on this 4th day of May 2020

(Signed)

Nerea Suero Fontecha, Registrar, New York