Cases No.:

1. In an appNDEkkE2OLhiHvXKFkkUOíiWkXKFENOviihklFKEPO ] T[ClRFmkííag0iFKEPO ] T[C

in the process and who were therefore separated on 28 February 2009, as decided initially.

7.

to the JAB was time barred and the other four for abandonment of proceedings. There remained nine individual cases, which will be dealt with in the present judgment.

15. By order dated 16 November 2009, the Tribunal rejected the Applicants' motion for production of evidence. It did so considering that the Tribunal already had at its disposal all relevant information to address two of the main issues raised by the applications, i.e. (a) whether the Administration had a legal obligation to convert the Applicants' appointments from the 300 series to the 100 series of the Staff Rules and (b) whether the Applicants exhausted internal remedies with respect to the alleged violation of their rights arising from the non-conversion of their appointments.

16.

27. The Scope and purpose of the 300 series of the Staff Rules further stipulates that as far as ALDs are concerned: "Such appointments are intended for assignments not expected to exceed three years, with a possibility of extension, exceptionally, for a fourth and final year. Under no circumstances will an

renewal that a legal expectancy of renewal could arise from "countervailing circumstances" such as an express promise on the part of the Administration (see UNAT Judgement No. 885, Handelsman (1998)). However, even if this principle could be applied mutatis mutandis to cases of conversion, in the supporting documents provided by the Applicants, the Tribunal found nothing, other than ongoing discussions, that could be deemed to amount to an express promise sufficient to create a legal expectancy of conversion. This is obvious with respect to annex 4 to the Applicants' statement of appeal, namely the minutes of a meeting between staff representatives and the Administration dated 15 February 2006, which merely indicate: "Conversion 300 > 100 series: Resumption of conversions is routinely requested by DOA 'from NY', but appears to be stopped de facto…" (emphasis added). As UNAT rightly found in Handelsman that opinions expressed by some representatives of the Administration cannot be understood as express promises, no express promise can either be identified in annex 6 to the Applicants' statement of appeal, namely the minutes of another meeting dated 26 September 2007 according to which "DOA/… explained that, pending a decision of the General Assembly on this

ensure that" their appointments were converted. In support of this contention, Applicants 1, 5 and 9 quote exactly the same documents used in support of the previous contention. This plea can be dismissed for the same reasons as the previous one.

37. The second issue to be decided concerns the Applicants' claim that,

Applicants' letters of appointment[4]

44. In view of the foregoing, the Tribunal DECIDES:

The applications are rejected in their entirety.

(Signed)

Judge Thomas Laker

Dated this 15th day of December 2009