

Introduction

1. By an application filed on 4 March 2012 registered under Case No. UNDT/GVA/2012/019, the Applicant challenges the decision not to finalize his performance appraisal for the period from 1 April 2009 to 31 March 2010 (“2009-2010 performance appraisal”).

2. By way of relief, he seeks compensation for the Administration’s bad faith and the denial of justice he endured. He also seeks compensation for the violation of his due process rights and the moral injury he suffered, and he asks the Tribunal to order that his performance appraisals be expunged from his personnel file and that he be reimbursed of the expenses incurred as a result of his hospitalisation. Lastly, he asks that the case of those responsible for the delays in finalizing his performance appraisal be referred to the Secretary-General for possible action to enforce accountability.

Facts

3. The Applicant joined the United Nations Office on Drugs and Crime (“UNODC”) in Vienna in 2002 and, in 2007, he was appointed in the Terrorism Prevention Branch (“TPB”), within the Division of Treaty Affairs (“DTA”). His fixed-term appointment was extended several times until 31 December 2011, when he was separated from service.

4. In the fall of 2009, the Chief of TPB and the Officer-in-Charge of DTA, respectively the Applicant’s first and second reporting officers, informed him that his post would be abolished and that he would be reassigned, at the same level, to the position of Senior Legal Adviser which was to be created within the Office of the Chief of TPB.

5. From then, the relation between the Applicant and UNODC management deteriorated and he submitted a series of informal and formal complaints (see Judgments Gehr UNDT/2011/142, UNDT/2011/150, UNDT/2011/178, UNDT/2011/211, UNDT/2012/069, UNDT/2012/070 and UNDT/2012/071).

6.

f. The fact that the Applicant's performance appraisal for the period from 1 April to 31 December 2011 is tainted by irregularities is further evidence of the Administration's unwillingness to provide him with a lawful appraisal.

16.

has been superseded by the issuance of the rebuttal panel's report, the Tribunal is of the view that the application which forms the subject of the present Judgment is moot.

20. At the hearing, the Applicant requested that this and Case No. UNDT/GVA/2012/024 be joined.

21. According to article 19 of its Rules of Procedure, the Tribunal "may at any time, either on an application of a party or on its

Conclusion

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

The application is rejected.

(Signed)

Judge Thomas Laker

Dated this 4th day of June 2012

Entered in the Register on this 4th day of June 2012

(Signed)

René M. Vargas M., Registrar, Geneva