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Case No.: UNDT/GVA/2012/070

## Introduction

1. By application received in the registry of the Dispute Tribunal on 24 August 2012, the Applicant requests the Tribunal to order the United Nations Interim Administration Mission in Kosovo (UNMIK) to grant him

Parties' submissions

10. The Applicant's contentions are:

- a. The relevant issue is whether his separation from service was initiated by the Secretary-General and thus constituted a termination pursuant to rule 9.6 of the Staff Rules;
- b.

f. The legal relationship between the Organization and a staff member serving on successive short- or fixed-term contracts must be considered equivalent to that of a permanent staff member. In such cases, abolishing a post on the day that a fixed-term contract expires in order to deny the staff member a termination indemnity establishes the Administration's bad faith. Such a practice leads to results which are quite unfair.

11. The Respondent's contentions are:

a. The Applicant's appointment was not terminated; it ran its full term and expired. Termination is the premature ending of an appointment prior to the expiration of its fixed term. It is distinguished from an expiration of appointment and this is reflected in the terms of appointment of the Applicant's fixed-term contract





