

Introduction

1. On 21 September 2012, the Applicant submitted an application for suspension of action, pending management evaluation, of the decision not to renew his fixed-term appointment expiring on 30 September 2012 as Portfolio Manager, at the P-3 level, with the Switzerland Operations Centre (“SWdneh pkn1dRhBhékwHéKKMReE

7. The Respondent's primary contentions may be summarized as follows:

Prima facie unlawfulness

- a. The decision to abolish the Applicant's post was the result of a restructuring that was necessary to meet the growing demands of the portfolio. This is a legitimate reason for non-renewal of an appointment. Moreover, a fixed-term appointment does not carry any expectancy of renewal;
- b. The Applicant is not the subject of the IAIG investigation, but is merely involved as a witness. The non-renewal of his contract will therefore not prevent him from contributing to the investigation;
- c. Even if the Applicant were the subject of the IAIG investigation, it would be possible to limit his access to the Organization's premises in accordance with staff rule 10.4 and UNOPS Organizational Directive 36 without violating any due process rights;
- d. The Applicant is not obliged to relocate to Albania as he is also a national of France, the country in which he currently resides;
- e. There is no legal right to a contract extension for the purpose of preparing an interview with investigators.

Urgency

- f. The application was filed six weeks after the Applicant was advised of the abolishment of his post;
- g. The urgency must relate to the Applicant and not to UNOPS. While any negative impact on the operations of the portfolio is an issue of concern to UNOPS, it is not relevant to the present application.

11. An international organization has discretion to organize its services, to restructure its departments or units and to abolish or create posts; it is not for the Tribunal to assess the merits of such decisions Gehr 2012-UNAT-236). Decisions in this sphere may be set-aside only on limited grounds, for example upon the breach of procedural

Conclusion

15. In view of the foregoing, the application for suspension of action is rejected.

(Signed)

Judge Thomas Laker

Dated this 27th day of September 2012

Entered in the Register on this 27th day of September 2012

(Signed)

René M. Vargas M., Registrar, Geneva