

reasonable to expect that UNFPA would, at least, undertake some attempt to look for another position for the Applicant.

12. The Tribunal is not persuaded by the Applicant

14. The Appeals Tribunal has consistently held that [t]he first step of the interpretation of any kind of rules, worldwide, consists of paying attention to the literal terms of the norm (see *Scott* 2012-UNAT-225, para. 225, as affirmed in, for instance, *De Aguirre* 2016-UNAT-705, *Timothy* 2018-UNAT-847 and *Ozturk* 2018-UNAT-892). This is also known as the plain meaning rule. From a plain reading of the legal framework it follows that the Administration is only obligated to make efforts to retain those staff members whose contracts have been terminated due to the abolition of their posts.

15. Applying the plain meaning rule to Staff Rule 9, it is clear that the Administration bears no obligation to place staff members who, like the Applicant in this case, continue to hold their fixed-term appointments but whose posts are scheduled 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.

Case No. UNDT/NY/2019/013

Judgment No. UNDT/2020/063