The lawfulness of the abolition of the Applicant's post and its re-classification

decision-maker reached the impugned decision and not the merits of the decision-maker's decision" (see *Sanwidi*, para. 42).

16. Among the circumstances to consider when assessing the Administration's exercise of it discretion, the Appeals Tribunal stated "[t]here can be no exhaustive list of the applicable legal principles in administrative law, but unfairness, unreasonableness, illegality, irrationality, procedural irregularity, bias, capriciousness, arbitrariness and lack of proportionality are some of the grounds on which tribunals may for good reason interfere with the exercise of administrative discretion" (see *Sanwidi*, para. 38).

17. The Tribunal observes that when a post is abolished, this means that the post ceases to exist. Hence, according to Merriam-Webster online dictionary (https://www.merriam-webster.com/dictionary/abolition), "abolition" means "the act of officially ending or stopping something". An abolition of a post will therefore manifest itself by the post being written out of the budget and lose its funding. Even before the expiry of the budget period, a post can, however, be abolished if the mandate of the relevant operation(s) is changed and the relevant functions of the post are no longer authorized.

18. In the present case, the reason provided to the Applicant for the abolition of his post was that his function as a driver had become redundant as: (a) UN Women no longer had a physical office or expected to have one in the medium term; (b) no need any longer existed for transfers or deliveries of official letters; (c) all the procedures that the Applicant previously had carried out were now handled online. Based thereon, the Tribunal find that the provided reason was therefore lawful in accordance with the Appeals Tribunal's jurisprudence as set out above.

19. The questions, nevertheless, remain open as to whether: (a) the abolition of the Applicant's post was a "genuine organizational restructuring" (see *Abdeljalil*); (b) the abolishment was supported by correct facts (see *Islam*); (c) UN Women acted "fairly, justly, and transparently" in dealing with the Applicant (see *Abdeljalil*).

present one is the preponderance of evidence (in line herewith, see, for instance, the Appeals Tribunal in *Applicant* 2022-UNAT-1187, para. 63). In the instant case,TOt-

Also, it demonstrates that "the Regional Office has (still) not hired another driver since the Applicant's separation is evidenced by the lack of position of 'Driver' (in any version of the title) in the organigramme";

herewith, only tw

The Tribunal is aware that the Applicant is self-represented and may therefore be allowed "some latitude … the interests of justice" (see the Appeals Tribunal in *Al-Refaea* 2019-UNAT-971, para. 25, and similarly in, for instance, *Abdellaoui* 2019-UNAT-928 and *El Shaer* 2019-UNAT-942). The Tribunal will therefore issue a separate case management order subsequent to this Judgment instructing the parties to file their final submissions of remedies.

Conclusion Appeal