

Translated from French

Case No.: UNDT/GVA/2010/054

Introduction

1. By application filed on 23 June 2009 before the former United Nations Administrative Tribunal, the applicant contests the decision of 19 December 2008 whereby the Secretary-General rejected her appeal a

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(UNAT 1702)

Judgment No. UNDT/2012/055

the Applicant was abolished as of 31 December 2007.

2009, to file her application, which she submitted on 23 June 2009. Thus, contrary to what the Respondent maintains, as concerns the receivability *ratione temporis*, the application should be considered receivable.

24. On the merits, the Applicant is contesting the decision not to renew her contract beyond 31 December 2007. Staff rule 104.12(b)(ii) applicable at the time of the contested decision provided that “[t]he fixed-term appointment does not carry any expectancy of renewal or of conversion to any other type of appointment”.

25. While the Administration is not obliged to give a staff member the reasons for the non-renewal of his or her contract, if the latter brings an appeal before the Tribunal concerning the merits of the non-renewal, claiming that the grounds for the decision were unlawful, the Administration must inform the Tribunal of those grounds and provide justification for the decision.

26. In this case, the Respondent claims that the reason for the non-renewal of the Applicant’s contract was that the project on which she was working had come to an end, which the Applicant contests, claiming, *inter alia*, that after she left, a consultant was recruited to discharge the tasks that had been assigned to her.

27. The case file reveals that the Applicant held an administrative assistant post under the authority of the GEF manager, while the consultant hired in January 2008 was given the responsibilities of an expert, such as responding to comments received by the GEF secretariat on the project under way, assisting and coordinating the work of co-executing agencies in preparing a component of the project funded by the European Union, and preparing sub-project documents. It results, then, that the consultant’s duties, as listed in the job description attached to her contract, are of a higher level than those of an administrative assistant. Furthermore, the Applicant has not established that the tasks given to the consultant were the same that had been previously assigned to her.

28. The Respondent claims that the Applicant’s appointment was not renewed because there was no funding left for the post she held. In response to a request

