

UNDT/2011/040, Amar

UNAT Held or UNDT Pronouncements

The impugned decision is grossly, patently, incurably and incontrovertibly unlawful. An order suspending the administrative decision pending management evaluation is bound to work injustice in the circumstances. The Application that gave rise to the proceedings and deliberations in this case clearly was brought under a wrong heading when it was filed as a suspension of action application. The Tribunal, in the present circumstances, must in the interest of justice move this matter to the cause list of applications on the merit and accordingly dispose of it fully and on the merits. Article 36 of the Tribunal's Rules of Procedure confers the Tribunal with the power to deal with situations not expressly provided for in the said Rules and thereby fill in the gaps encountered in its daily operations. In invoking this power, the Tribunal has at all times the need to meet the ends of justice as its object. The Tribunal, in the present circumstances and in the interest of justice moves this matter to the cause list of applications on the merit and accordingly disposes of it fully and on the merits.

Decision Contested or Judgment/Order Appealed

The Applicant is contesting the decision to place her on administrative leave pending an initial investigation of allegations of misconduct made against her.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The impugned decision is rescinded, voided and nullified.

Full judgment

[Full judgment](#)

Applicants/Appellants

Amar

Entity

UNEP

Case Number(s)

UNDT/NBI/2011/003

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Feb 2011

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Suspension of action / interim measures
Prima facie unlawfulness

Applicable Law

Administrative Instructions

- ST/A1/371/Amend.1
- ST/AI/234/Rev.1

Former Staff Rules

- Rule 110.2(a)
- Rule 110.4

Secretary-General's bulletins

- ST/SGB/2010/6

Staff Regulations

- Regulation 1.2(b)

Staff Rules

- Rule 10.4
- Rule 11.3(b)(i)
- Rule 5.3

UNDT RoP

- Article 36

UNDT Statute

- Article 15.7

- Article 2.2

Related Judgments and Orders

UNDT/2009/092

UNDT/2009/030