

UNDT/2011/117, Pandey

UNAT Held or UNDT Pronouncements

Scope of the case. The Applicant's claims of harassment, sexual harassment and abuse of authority presented to the JAB were not independent claims in and of themselves, but merely constituted support for the Applicant's contention that her due process rights had been violated in the context of the non-renewal and non-extension. Considering the posture of the case presented to the JAB and on review by the Dispute Tribunal, the Tribunal is without authority to re-examine the investigation into the Applicant's sexual harassment charges. Exceptional case. With respect to the determination whether a case is "exceptional" under art. 10.5(b), the United Nations Appeals Tribunal stated that this provision "does not require a formulaic articulation of aggravating factors; rather it requires evidence of aggravating factors which warrant higher compensation" (Mmata). The Applicant failed to do so.. Outcome: The application rejected in its entirety.

Decision Contested or Judgment/Order Appealed

The Applicant appealed against a decision to compensate her in the amount of two years' net base salary following a determination by the Joint Appeals Board ("JAB") that the Applicant's due process rights had been violated as her fixed-term contract with the United Nations Children's Fund ("UNICEF") had not been renewed or extended.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Pandey

Entity

UNICEF

Case Number(s)

UNDT/NY/2010/040/AT/1703

Tribunal

UNDT

Registry

New York

Date of Judgement

30 Jun 2011

Duty Judge

Judge Kaman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Non-renewal

No expectancy of renewal

Applicable Law

GA Resolutions

- A/RES/63/253

UNDT Statute

- Article 10.5
- Article 10.6

UNRWA DT Statute

- Article 10.8

Related Judgments and Orders

UNDT/2010/195

2010-UNAT-049

UNDT/2010/203

UNDT/2011/085

2010-UNAT-092