

UNDT/2011/149, Magnani

UNAT Held or UNDT Pronouncements

The Respondent appeared to have a good reason for cancelling the Applicant's leave. That having been said, however, the manner in which the Applicant was informed of that decision could have been done in a much better way. Considering the fact that the Applicant's supervisor had only three days earlier, on 9 August 2011, approved his leave, his one-line directive cancelling the Applicant's leave was not only callous and dismissive but most insensitive. This managerial shortcoming does not, by itself, render the decision prima facie unlawful. Although some harm is caused to the Applicant in dashing his and his family's expectations of a reunion during his leave, the said harm suffered by the Applicant must be examined in the light of the Mission and the wider public interest of the Organization. The Applicant can be adequately compensated by monetary damages. The Applicant's request for suspension of action of the decision to cancel his leave is rejected.

Decision Contested or Judgment/Order Appealed

The Applicant made an application for suspension of action with regards to a decision to cancel his leave.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Magnani

Entity

MINURSO

Case Number(s)

UNDT/NBI/2011/044

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Aug 2011

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Annual leave

Suspension of action / interim measures

Prima facie unlawfulness

Applicable Law

Administrative Instructions

- ST/AI/2010/5

Related Judgments and Orders

UNDT/2010/175