

UNDT/2012/072, Nasrallah

UNAT Held or UNDT Pronouncements

A review of other similar cases revealed that only one other staff member was separated for illegal possession/use of drugs, and that was a far more serious case. The sanction in the present case was disproportionate in the light of the comparators. UNDT endorsed Sow. Equality of treatment in the workplace is a core principle which must be applied by the Secretary-General when imposing disciplinary sanctions.

Decision Contested or Judgment/Order Appealed

The Applicant was separated from service following disciplinary proceedings arising out of his conviction in Lebanon of possession of c. 300g of hashish. He was sentenced to one year's imprisonment and fined USD 2000. Following his release, he was permitted to return to work pending the outcome of the disciplinary proceedings. He was medically clear of drug use and his work was exemplary. Nonetheless he was separated from service with compensation in lieu of notice and termination indemnity.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Application granted. Decision rescinded. Respondent to reinstate the Applicant and make good his lost earnings from the date of separation to the date of reinstatement. Alternatively, the Respondent is to pay the Applicant two year' salary as compensation.

Full judgment

[Full judgment](#)

Applicants/Appellants

Nasrallah

Entity

UNIFIL

Case Number(s)

UNDT/NBI/2011/033

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

17 May 2012

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Disciplinary matters / misconduct

Disciplinary measure or sanction

Applicable Law

Staff Rules

- Rule 10.3(b)

Related Judgments and Orders

UNDT/2011/086