

UNDT/2012/112, Tsoneva

UNAT Held or UNDT Pronouncements

Obligation to consult the staff member affected by a decision to discontinue his/her post: In view of the importance, for the staff member concerned, of the decision to discontinue his/her post, the Tribunal strictly interprets the procedural obligation to consult the affected staff member.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision to discontinue her post in Geneva following a reorganization of her unit. She alleged several procedural irregularities and disputed the appropriateness of the decision. The UNDT found that the decision to discontinue the Applicant's post was tainted by a substantial procedural flaw as her manager had failed to discuss with her the proposed measure after she was informed in writing that discontinuation of her post was being sought and prior to the decision being taken, as required by the UNHCR applicable legal texts. Without assessing the merits of the contested decision, the UNDT rescinded it and awarded compensation for moral damage in the amount of CHF 2,000.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Tsoneva

Entity

UNHCR

Case Number(s)

UNDT/GVA/2012/20

Tribunal

UNDT

Registry

Geneva

Date of Judgement

10 Oct 2012

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Compensation

Non-pecuniary (moral) damages

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNU Personnel Policy
- UNHCR IOM/FOM/33/2010 (Policy and Procedures on Assignments and Promotions)