

UNDT/2012/179, Mobono

UNAT Held or UNDT Pronouncements

The purported termination conveyed in the letter from the ED of UNOPS dated 11 May 2010 is accordingly rescinded. The Tribunal finds that the Applicant had not misused his UNLP and UN ID when he showed it to the person with whom he had entered into a business transaction. Ultra Vires: The Secretary-General or his agents in the instant case blatantly acted outside the scope of his or their authority in carrying a disciplinary process beyond the expiry date of the staff member's contract. The decision to separate the Applicant in May 2010 was manifestly ultra vires and therefore unlawful. Debt: It is necessary to emphasize here that the Organization is not a debt collector and can only lawfully deduct monies owed to third parties in the enforcement of proper garnishee orders of properly constituted courts.

Decision Contested or Judgment/Order Appealed

The Applicant was contesting the decision, dated 11 May 2010, to separate him from the Organisation without notice and without compensation in lieu of notice, which decision he had received on 12 May 2010. The said administrative decision to separate him came about as a result of a finding that certain alleged actions on his part amounted to serious misconduct.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

UNDT rescinded the purported termination.

Full judgment

[Full judgment](#)

Applicants/Appellants

Mobono

Entity

UNOPS

Case Number(s)

UNDT/NBI/2010/062

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

16 Nov 2012

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Disciplinary matters / misconduct

Due process

Separation from service

Applicable Law

Administrative Instructions

- ST/AI/371

Former Staff Rules

- Rule 301.1
- Rule 301.3(q)(ii)
- Rule 309.5(a)
- Rule 309.5(b)
- Rule 310.1(e)(ii)
- Rule 310.1(e)(iv)
- Rule 312.6

Staff Regulations

- Regulation X

Staff Rules

- Rule 1.2(b)
- Rule 1.2(q)

Related Judgments and Orders

UNDT/2012/161

UNDT/2010/170