

# UNDT/2013/002, Makwaka

## UNAT Held or UNDT Pronouncements

The Applicant has not requested any damages or a modification of the contested sanctions but rather only their rescission. The Tribunal considers that the level of disciplinary measures that were finally applied against the Applicant were taken in accordance with the rules and therefore there are no rescindable decisions. The Tribunal can also not award a remedy that was not requested by the Applicant with regard to any delay in the proceedings or the original sanction which has since been modified to comply with the jurisprudence of the Tribunal. The application is dismissed. The UNDT found that considering that the updated disciplinary measures applied against the Applicant were taken in accordance with the rules and regulations that there were no rescindable sanctions. Additionally, seeing that the Applicant had not sought any damages or a modification of the contested sanctions, neither was warranted.

## Decision Contested or Judgment/Order Appealed

The Applicant appealed, and sought the rescission of, the imposition of the disciplinary sanctions of a written censure and demotion of one grade with deferment, for three years, of his eligibility for consideration for promotion.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Makwaka

Entity

DGACM

Case Number(s)

UNDT/NY/2010/082

Tribunal

UNDT

Registry

New York

Date of Judgement

1 Nov 2013

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Disciplinary measure or sanction

Due process  
Applicable Law  
Secretary-General's bulletins

- ST/SGB/2004/15

Staff Regulations

- Regulation 1.2(b)

Staff Rules

- Rule 10.1

UNDT Statute

- Article 8

Related Judgments and Orders

UNDT/2012/061

UNDT/2012/138

UNDT/2012/163

2010-UNAT-018

2010-UNAT-022

2010-UNAT-040

2010-UNAT-084

2010-UNAT-094

2010-UNAT-095

2011-UNAT-168