

UNDT/2013/020, Dalipi

UNAT Held or UNDT Pronouncements

The UNDT found that the Applicants were not eligible to be paid termination indemnity and that the decision was lawful.

Decision Contested or Judgment/Order Appealed

The Applicants appealed the decision not to grant them termination indemnity upon the abolition of their posts as a consequence of the closure of the Skopje liaison office of UNMIK on 30 June 2012. The UNDT found that the Applicants were not eligible to be paid termination indemnity and that the decision was lawful.

Legal Principle(s)

Tribunal's review of eligibility for benefits: The Secretary-General has no discretion to grant or deny a benefit provided for in the Staff Regulations and Rules and is bound, in this respect, by the applicable rules. Annex III to the Staff Regulations is clear in that no termination indemnity shall be paid to a staff member whose fixed-term appointment is completed upon its expiration date and the Secretary-General has no discretion in this respect. The principle of equal treatment applies only if the Secretary-General enjoys discretionary authority, which he did not in the cases at hand, hence the fact that other staff members in similar situations may have been granted termination indemnity is irrelevant.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Dalipi

Entity

UNMIK

Case Number(s)

UNDT/GVA/2012/70

Tribunal

UNDT

Registry

Geneva

Date of Judgement

13 Feb 2013

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Fixed-term appointment

Benefits and entitlements

Applicable Law

Staff Regulations

- Annex III

Staff Rules

- Rule 9.6(b)

UNDT RoP

- Article 18.3

Related Judgments and Orders

UNDT/2012/102