

UNDT/2014/075, Malenya

UNAT Held or UNDT Pronouncements

Administrative errors - As held in Boutruche, the Administration has a right and even an obligation to put an end to illegal situations as soon as it becomes aware of them, while preserving any rights acquired by staff members in good faith. Staff-management consultations - No staff-management consultations as envisaged by staff rule 8.1(f) were required given the particular circumstances of this case. The documentary record also establishes that, having discovered the error, the UNON Administration made genuine efforts to consult with the Applicant and other affected staff members to correct the error in accordance with staff regulation 8.1.

Decision Contested or Judgment/Order Appealed

The Applicant is one of several Security Officers at the United Nations Office at Nairobi (UNON) who challenged the decision denying them overtime for work performed during the months of January and February 2013. The UNDT found that the UNON Administration had, prior to mid-2012 when the error was discovered, been miscalculating the amount of overtime and compensatory time off due to Security Officers and Drivers at UNON. The Security Officers, as a result had received payments in excess of what was due to them. The Security Officers requested the Tribunal to direct UNON Administration to resume the implementation of UNON/IC/2002/3 in the manner it was implemented prior to mid-2012.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Malenya

Entity

UNON

Case Number(s)

UNDT/NBI/2013/48

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

26 Jun 2014

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Applicable Law

Information Circulars

- UNON/IC/2002/3

Staff Regulations

- Regulation 8.1

Staff Rules

- Rule 3.11(a)
- Rule 8.1(f)

Related Judgments and Orders

UNDT/2009/085