

UNDT/2014/106, Baidya

UNAT Held or UNDT Pronouncements

The Tribunal finds that the Applicant failed to declare the existence of his friendship with the selected candidate, including in response to a direct inquiry prior to the completion of the selection process and during the disciplinary process, and that his actions affected the impartiality and fairness of the selection process and the trust vested in him. The Applicant's due process rights were respected during each phase of the disciplinary process and the sanction imposed was proportional to the misconduct. The application is therefore rejected. The Applicant did not demonstrate that there were any flaws in the disciplinary process that affected her/his rights or that the Administration failed to take into account any relevant circumstances. The disciplinary measures of a written censure and a fine of one month net base salary are therefore proportionate to the misconduct and are maintained.

Decision Contested or Judgment/Order Appealed

The Applicant contests the imposition of the disciplinary measures of a written censure and a fine of one month net base salary following a finding that he failed to disclose that he and the candidate recommended by the interview panel, which he chaired, had a pre-existing relationship.

Legal Principle(s)

When the Tribunal is seized of an application contesting the legality of a disciplinary measure, it must examine whether the procedure followed is regular, whether the facts in question are established, whether those facts constitute misconduct and whether the sanction imposed is proportionate to the misconduct that was committed.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Baidya

Entity

DM

Case Number(s)

UNDT/NY/2011/040

Tribunal

UNDT

Registry

New York

Date of Judgement

24 Jul 2014

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Applicable Law

Information Circulars

- ST/IC/2008/41
- ST/IC/2009/30
- ST/IC/2010/26
- ST/IC/2011/20

Secretary-General's bulletins

- ST/SGB/2009/7
- ST/SGB/2011/1

Staff Regulations

- Regulation 11.2

Staff Rules

- Rule 10.2

Related Judgments and Orders

UNDT/2010/169

UNDT/2010/171

UNDT/2010/204

UNDT/2011/046

UNDT/2011/061

UNDT/2011/086

UNDT/2013/102

2014-UNAT-397