

# **UNDT/2014/110, Weerasooriya**

## **UNAT Held or UNDT Pronouncements**

The Tribunal found that the Administration violated the rights of the Applicant by not including the PAD cycle year 2009 when making the termination decision in July 2010. The Tribunal ordered the rescission of the contested decision and compensation for material damage equivalent to the loss of salary until her early retirement date on 1 May 2011. When terminating a contract for unsatisfactory service, the PAD reports to be taken into consideration must be the ones immediately preceding the non-renewal decision, so the PAD cycle years 2007, 2008, and 2009 for a termination decision made in July 2010. The UNFPA policy on staff evaluation does not concord with the staff regulations and rules, thus the UN Secretariat policy on staff evaluation should have been used instead or in parallel by UNFPA.

## **Decision Contested or Judgment/OrderAppealed**

The termination of the applicant's permanent contract as an Assistant Representative in Sri Lanka for unsatisfactory service evaluated in three successive performance appraisal development (PAD) reports, for the cycle years 2006, 2007, and 2008.

## **Legal Principle(s)**

N/A

## **Outcome**

Judgment entered for Applicant in full or in part

## **Outcome Extra Text**

Both financial compensation and specific performance

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Weerasooriya

## Entity

UNFPA

## Case Number(s)

UNDT/NY/2011/009

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

6 Aug 2014

## Duty Judge

Judge Greceanu

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Performance management

Performance evaluation

Separation from service

## Applicable Law

Administrative Instructions

- ST/AI/2002/3
- ST/AI/2010/5

Other UN issuances (guidelines, policies etc.)

- UNFPA Policies and Procedures Manual, Disciplinary Framework

Secretary-General's bulletins

- ST/SGB/2008/5

Staff Regulations

- Regulation 9.3

Staff Rules

- Rule 101.3
- Rule 9.6

## Related Judgments and Orders

UNDT/2011/156

UNDT/2011/012

UNDT/2011/068

2014-UNAT-421

2010-UNAT-092