

# UNDT/2020/139/corr.1, Thiare

## UNAT Held or UNDT Pronouncements

The Tribunal found that the Administration had imposed a harsher sanction on the Applicant than was necessary. The sanction was found to be disproportionate and manifestly abusive in relation to the circumstances faced by the Applicant. Consequently, the Tribunal ordered the Respondent to replace the original disciplinary sanction for another one with less gravity, namely-separation from service with compensation in lieu of notice and without termination indemnity.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the disciplinary measure of dismissal imposed on him for serious misconduct.

## Legal Principle(s)

Pursuant to the jurisprudence, the Secretary-General's administrative discretion to impose a disciplinary sanction is not unfettered and the Tribunal can interfere when the sanction appears to be disproportionate to the gravity of the offence.

## Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Thiare

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2018/123

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

7 Aug 2020

Duty Judge

Judge Bravo

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Applicable Law

Staff Regulations

- Regulation 1.2(b)

- Regulation 1.2(g)

#### Staff Rules

- Rule 1.2(i)