

UNDT/2021/030, Banaj

UNAT Held or UNDT Pronouncements

UNDT found the application materially receivable as it concerned a decision that was appropriately the subject of judicial review. UNDT found that the decision to reassign the Applicant rather than place her on administrative leave, was taken balancing her best interest with those of the Organization. These reasons were supported by evidence. The Tribunal further held that the Applicant failed to meet her burden of proving any improper motive, irregularity or unlawfulness on the part of the Respondent in the decision to re-assign her duties. UNDT therefore held that the presumption of regularity stood. UNDT dismissed the application on the merits.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the Respondent's decision to temporarily reassign her functions as Head of the United Nations Office on Drugs and Crime (UNODC) Office in Albania.

Legal Principle(s)

A discretionary administrative decision can be challenged on the grounds that the Respondent has not acted fairly, or transparently or was motivated by bias, prejudice, or improper motives. UNAT jurisprudence recognizes a presumption of regularity in the performance of administrative functions and decision making. It is for the Applicant alleging any of these grounds of challenge to bear the initial burden of proving it in their application.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Banaj

Entity

UNODC

Case Number(s)

UNDT/GVA/2019/031

Tribunal

UNDT

Registry

Geneva

Date of Judgement

26 Mar 2021

Duty Judge

Judge Honeywell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Burden of proof

Discrimination and other improper motives
Jurisdiction / receivability (UNDT or first instance)
Reassignment or transfer
Applicable Law
Staff Regulations

- Regulation 1.2(c)

Staff Rules

- Rule 10.4(a)

UNDT Statute

- Article 2.1