

UNDT/2021/076, Gharagozloo Pakkala

UNAT Held or UNDT Pronouncements

UNDT held that the Applicant's due process rights were respected because she was afforded the opportunity to provide comments related to the administrative measures applied at every step of the process and was represented by Counsel. She also did not challenge the adversarial examination of the allegations that was undertaken. UNDT found that the facts in support of the administrative measures imposed were established as per the applicable standard of proof. UNDT held that the administrative measures imposed on the Applicant were rational and proportionate to the established facts, as well as to address the concerns that UNICEF had about her conduct, and did not constitute disguised disciplinary measures as they are of a different nature than disciplinary measures, targeted specific behaviours, have a limited application in time, and do not necessarily play a role in future selection exercises. UNDT rejected the application in its entirety.

Decision Contested or Judgment/Order Appealed

The Applicant contested the imposition of the following administrative measures on her: a) Issuance of a written reprimand and its placement in her Official Status File ("OSF") for a period of five years; b) Her removal from all supervisory functions for a period of two years; and c) Requiring her to undertake appropriate training to enhance self-awareness and improve her people management skills.

Legal Principle(s)

Administrative measures have different legal consequences to disciplinary measures, as staff members who are separated or dismissed from service following a disciplinary process on grounds of misconduct are not eligible for reappointment by UNICEF, and a staff member who has received a disciplinary measure must disclose the measure when applying for a new position.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Gharagozloo Pakkala

Entity

UNICEF

Case Number(s)

UNDT/GVA/2020/018

Tribunal

UNDT

Registry

Geneva

Date of Judgement

29 Jun 2021

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Disciplinary matters / misconduct

Disciplinary measure or sanction

Due process

Right to comment/respond

Standard of proof

Applicable Law

Staff Rules

- Rule 10.2