

# **UNDT/2021/119, Mukhopadhyay**

## UNAT Held or UNDT Pronouncements

The Applicant was terminated without being given the statutory three months' notice. Without that notice, the regulatory framework provides that compensation in lieu of the three months' notice had to be paid. For reasons similar to those stated in Ahmed, the grant of SLWFP to the Applicant for part of the period neither supplants nor equates to the Respondent's obligation to have given the Applicant his due notice on 10 September 2010. The Staff Regulation and Rules requires the staff member to either be given notice or payment in lieu of that notice. The Applicant in this case received neither.

## Decision Contested or Judgment/Order Appealed

The Applicant challenged the Respondent's decision to refuse payment of 3 months' salary in lieu of notice, following the abolition of his post.

## Legal Principle(s)

## Outcome

Judgment entered for Applicant in full or in part

## Outcome Extra Text

The contested decision was rescinded and the Respondent was ordered to pay the Applicant three months' net base salary in lieu of the notice not afforded to him.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Mukhopadhyay

## Entity

MONUSCO

## Case Number(s)

UNDT/NBI/2020/89

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

13 Oct 2021

## Duty Judge

Judge Honeywell

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Abolition of post  
Termination

Benefits and entitlements  
Separation from service

## Applicable Law

Staff Regulations

- Regulation 9.3

Staff Rules

- Rule 9.3