

# 2010-UNAT-039, Maghari

## UNAT Held or UNDT Pronouncements

UNAT considered whether the Commissioner-General erred in adopting the JAB's recommendation not to accept the Appellant's withdrawal letter and whether the Appellant was entitled to compensation for moral and material damages. UNAT referred to Jordan Field Staff Circular No. J/17/97, which provides that withdrawal of resignations will normally not be accepted unless it is evident that such withdrawal is in the sole interest of the work. UNAT noted that the evidence on record revealed that the Appellant's services were unsatisfactory. UNAT held that the Appellant provided no evidence of prejudice, improper motivation, procedural irregularity, or error of law in the taking of the decision not to accept his request for the withdrawal of his resignation. UNAT accordingly rejected the Appellant's claim for damages. UNAT dismissed the appeal and affirmed the Commissioner-General's decision.

## Decision Contested or Judgment/Order Appealed

UNRWA decision: The Applicant contested the decision to reject the withdrawal of his request for voluntary retirement. The UNRWA JAB concluded that the appeal was not receivable *ratione materiae*. The UNRWA Commissioner-General adopted the UNRWA JAB recommendation and dismissed the appeal.

## Legal Principle(s)

Withdrawal of resignations will normally not be accepted, unless it is evident, that such withdrawal is in the sole interest of the work. A withdrawal of resignation requires the Director of UNRWA Operations' prior approval.

## Outcome

Appeal dismissed on merits

## Outcome Extra Text

No relief ordered; No relief ordered

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Maghari

## Entity

UNRWA

## Case Number(s)

2010-037

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

16 Aug 2010

## President Judge

Judge Adinyira

## Language of Judgment

Arabic

English

## Issuance Type

Judgment

## Categories/Subcategories

Procedure (first instance and UNAT)

Separation from service

## Applicable Law

Laws of other entities (rules, regulations etc.)

- Jordan Field Staff Circular J/17/97

UNRWA Area Staff Rules

- Rule 109.2