

2013-UNAT-386, Ahmed

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that the payment of interest awarded by UNDT on the payment of Mr Ahmed's accrued vacation days was undue, noting that any delay in the separation formalities was entirely attributable to him and, as such, he could not be compensated for the delay in payment. On the compensation in lieu of notice, UNAT upheld the UNDT judgment and held that the matter was properly before UNDT and could not be construed as res judicata. UNAT agreed with UNDT that the Administration made a commitment to pay Mr Ahmed compensation in lieu of notice and that a commitment must be met. UNAT affirmed the UNDT judgment in part, allowed the Secretary-General's appeal regarding the award of interest on compensation for unused leave days and vacated the UNDT's award of such interest.

Decision Contested or Judgment/Order Appealed

The Applicant contested the non-payment, upon separation, of termination indemnity, interest on his reimbursement for unused annual leave days, and of three months' salary in lieu of notice. UNDT found in part for the Applicant by awarding interest on delayed reimbursement for unused vacation days and finding that SLWFP did not constitute the compensation in lieu of notice the Applicant had been promised.

Legal Principle(s)

Special Leave With Full Pay (SLWFP) is not a substitute for a lump sum payment of compensation in lieu of notice.

Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Ahmed

Entity

UNIC

Case Number(s)

2013-440

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2013

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements-45

Special leave (with or without pay)

Compensation

In-lieu compensation

Related Judgments and Orders

UNDT/2012/186