

2015-UNAT-514, Abu Nada

UNAT Held or UNDT Pronouncements

UNAT held that UNDT correctly determined that it did not have jurisdiction to review the decision to suspend him without pay. UNAT held that UNDT was alert to the injury which the prolonged delay caused the Appellant. On the Appellant's complaint that UNRWA DT did not address his complaint regarding the deduction by UNRWA from his personal Provident Fund contributions upon his dismissal, apparently, to recoup an overpayment, UNAT held that there was no merit in the complaint and the Appellant failed to demonstrate any error of law or fact on the part of the UNRWA DT when it determined these deductions constituted a separate administrative decision, which could not be reviewed in the context of the application before the UNDT. UNAT found no merit in the other claims put forward by the Appellant. Noting that UNRWA DT awarded compensation beyond the two years' net base salary, UNAT held that the award fell well within the bounds of reasonableness and that the award was fair and reasonable. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to suspend him without pay and his subsequent summary dismissal for serious misconduct. UNRWA DT found that the decision to suspend him was not receivable, the summary dismissal was lawful, and awarded moral damages of 25 months' net base salary for the excessive delay.

Legal Principle(s)

The first instance tribunal is the body best placed to assess the level of damages to be awarded in any particular case. In the absence of a compelling argument that UNDT erred on a question of law, or on a question of fact resulting in a manifestly unreasonable decision, UNAT will not lightly interfere with the findings of the first

instance tribunal.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Only financial compensation; Only financial compensation.

Full judgment

[Full judgment](#)

Applicants/Appellants

Abu Nada

Entity

UNRWA

Case Number(s)

2014-588

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Feb 2015

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Disciplinary matters / misconduct

Disciplinary measure or sanction

Due process

Delay

Applicable Law

UNRWA DT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2011/219

2012-UNAT-272