

2015-UNAT-602, Zamel

UNAT Held or UNDT Pronouncements

UNAT held that the allegations of irregularity raised by the Appellant were supported by evidence. UNAT noted that it was hard to comprehend how the Appellant's post suddenly became redundant when at the same time around 75 per cent of its functions were to be transferred to a consultant. UNAT further noted that even though the new organisational structure was not approved until September 2013, as early as June 2013, the abolition of the Appellant's post had already been decided and was communicated to him by his supervisor, against whom the Appellant filed a complaint of abuse of power. UNAT held that following the Appellant's request for decision review, the Administration was obligated to provide clear and sufficient reasons justifying the lawfulness of its conduct but failed to do so. UNAT held that the alleged conflict of interest required a more extensive and detailed consideration and discussion by UNRWA DT. UNAT held that UNRWA DT erred in finding that the non-renewal of the Appellant's appointment and UNRWA's related actions were not tainted by irregularities or improper motives, in breach of the Appellant's rights. UNAT also held that UNRWA DT erred in law by holding that the application against the decision to recruit a consultant was not receivable. UNAT held that UNRWA DT failed to declare that his employment was affected. UNAT upheld the appeal and vacated the UNRWA DT judgment. UNAT ordered the Commissioner-General to pay the Appellant compensation in the amount of three months' net base salary.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions to extend his appointment for 3 months, abolish his post and recruit a consultant. UNRWA DT dismissed the application.

Legal Principle(s)

UNAT will not award compensation for moral damages without specific evidence supporting the claim.

Outcome

Appeal granted

Outcome Extra Text

Only financial compensation; Only financial compensation.

Full judgment

[Full judgment](#)

Applicants/Appellants

Zamel

Entity

UNRWA

Case Number(s)

2015-699

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2015

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Compensation

Loss of chance

Termination (of appointment)

Abolition of position

Related Judgments and Orders

2011-UNAT-178

2015-UNAT-541