

2019-UNAT-907, Korduru

UNAT Held or UNDT Pronouncements

UNAT held that the decision to separate the Applicant was arbitrary, discriminatory, constituted an abuse of authority, and was unlawful. UNAT held that UNDT was not obliged to set an in-lieu compensation amount, as the decision concerned a lateral transfer, not an appointment, promotion, or termination. UNAT upheld UNDT's finding that Ms. Koduru's testimony was not compelling enough to serve as a basis for an award of moral damages. UNAT rejected Ms. Koduru's request for costs. UNDT dismissed the appeal and the cross-appeal and affirmed the UNDT judgment.

Accountability referral: The UNAT noted that the UNDT found that Ms. Koduru was the victim of abuse of authority and harassment on two occasions by her supervisor, Ms. Farley, who had nationalized Ms. Koduru's post one year earlier than approved by the General Assembly, and had recruited a new officer in disregard of the Civilian Staffing Review. UNAT referred the matter of Ms. Farley's conduct to the Secretary-General for accountability.

Decision Contested or Judgment/Order Appealed

Ms Koduru contested his decision not to renew her contract, following a comparative review process. UNDT held that the decision to separate Ms Koduru was unlawful as it was discriminatory and constituted an abuse of authority. UNDT ordered that the decision not to renew Ms Koduru's appointment and to separate her from service be rescinded. The Secretary-General was ordered to reinstate Ms Koduru in service for the seven-week period she was separated to ensure her continuity of service should she be reviewed for eligibility for a continuing appointment and after-service health insurance, and to pay Ms Koduru her net base salary and entitlements for the same period.

Legal Principle(s)

UNDT is only required to set compensation as an alternative to an order of rescission and/or specific performance when a decision touches on and concerns appointment, promotions, and/or terminations.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Korduru

Entity

UNFIL

Case Number(s)

2018-1199

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Mar 2019

President Judge

Judge Felix

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Arbitrary or improper motive

Referral for accountability

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

UNAT Statute

- Article 9.5

UNDT Statute

- Article 10.5(a)

Related Judgments and Orders

UNDT/2018/079