

2020-UNAT-1025, Murad

UNAT Held or UNDT Pronouncements

UNRWA DT did not err in its determinations or award of moral damages, which was a reasonable amount in the circumstances. UNRWA DT did not err in deciding not to order any material damages. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant, who had accepted an offer of appointment, contested the decision to put his appointment on hold and then not to appoint him. UNRWA DT dismissed the Applicant's application in part. UNRWA DT accepted that the decision was taken solely on the basis of the financial crisis faced by UNRWA. UNRWA DT determined that the decision to put on hold the Applicant's appointment and not to appoint him was not unlawful, but that the UNRWA had failed to act fairly, justly, transparently and in good faith. UNRWA DT awarded moral damages for its failure to fulfil its quasi-contractual obligations.

Legal Principle(s)

The absence of a contract of employment does not mean that an offer of employment produces no legal effect when the candidate for employment has met all of the conditions of the offer and has accepted the offer unconditionally. The acceptance of an offer of employment may form a quasi-contract. A staff member should only be compensated for real and incurred expenses and such claims should be directly related to the damages resulting from a breach of his or her contractual rights. In the absence of a contract of employment, there can be no pecuniary damage resulting from a breach of contractual rights.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Only financial compensation.

Full judgment

[Full judgment](#)

Applicants/Appellants

Murad

Entity

UNRWA

Case Number(s)

2019-1341

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

President Judge

Judge Neven

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Remedies

Related Judgments and Orders

2012-UNAT-265

2015-UNAT-592

2017-UNAT-768

2011-UNAT-120

2018-UNAT-810

2010-UNAT-029

2018-UNAT-853