HE NITED NATIONS APPEALS RIBUNAL

Judgment No. 2020-UNAT-1046

JUDGE JEAN-FRANÇOIS EVEN, RESIDING.

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Receivability of the Appeal

HE NITED NATIONS APPEALS "RIBUNAL

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(B) In lieu of the notice period, the Commissioner-General may authorise compensation calculated on the basis of salary and allowances which the staff member would have received had the date of termination been at the end of the notice period.

REGULATION 9.4.

The Commissioner-General shall establish a scheme for the payment of indemnities, provident fund benefits or other cash benefits to staff members who are

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Was the decision to terminate the appointment lawful?

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When judging the validity of the Secretary-General's exercise of discretion in administrative matters, the Dispute Tribunal determines if the decision is legal, rational, procedurally correct, and proportionate. The Tribunal can consider whether relevant matters have been ignored and irrelevant matters considered, and also examine whether the decision is absurd or perverse. But it is not the role of the Dispute Tribunal to consider the correctness of the choice made by the Secretary-General amongst the various courses of action open to him. Nor is it the role of the Tribunal to substitute its own decision for that of the Secretary-General.

² Sanwidi v. Secretary-General of the United Nations, Judgment No. 2010-UNAT-084, para. 40.

Consequences

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