

JUDGE LUIS MARÍA S

11. The Secretary-General appeals the UNDT Judgment.

Submissions

Secretary-General's Appeal

12. The Secretary-General submits that the UNDT exceeded its jurisdiction or competence and erred in law by finding that Ms. Harding was entitled to reinstatement and compensation totaling eight years and six months' net base salary. The Secretary-General does not appeal the order for the payment of SPA.

13. The Secretary-General submits that the UNDT erred in law in awarding compensation exceeding two years' net base salary, without stating the reasons, facts or law justifying such an award.

14. The Secretary-General further submits that the UNDT exceeded its competence and erred in law in awarding compensation for the non-material harm stemming from Ms. Harding's due process rights violations, when Ms. Harding had already received compensation on this ground.

15. Finally, the Secretary-General submits that the UNDT exceeded its competence and erred in law in ordering him to both rescind the summary dismissal and to pay compensation which was set as an alternative to rescission.

16. The Secretary-General requests the Appeal Tribunal to adjust the amount of compensation awarded by the UNDT, by confirming that the amount of two years and six months' net base salary already paid to Ms. Harding constitutes sufficient compensation for her wrongful dismissal.

Ms. Harding's Answer

17. Ms. Harding submits that the UNDT has not exceeded its jurisdiction or erred in law in rendering the impugned Judgment.

