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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2020/089  
Judgment No.: UNDT/2021/119  
Date: 15 October 2021  
Original: English

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**Before:** Judge Eleanor Donaldson-Honeywell

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

MUKHOPADHYAY

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

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## **Introduction**

1. The Applicant is a former staff member of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo . He was engaged as an Engineer until 10 September 2020, when he was notified of the termination of his continuing appointment, with immediate effect.

2. or payment *in lieu* thereof. Accordingly, the Applicant hereby challenges the implied *in lieu* of notice.

3. In his application, the Applicant urged the Tribunal to dispose of the matter by way of Summary Judgment. He considered this appropriate as both the regulatory framework and interpretation thereof by UNAT jurisprudence underscore the entitlement to notice or payment *in lieu* thereof upon termination for reasons of post abolition.

4. However, the Tribunal has not proceeded with a view to Summary Judgment.

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(a) The Secretary-General may, giving the reasons therefor, terminate the appointment of a staff member who holds a temporary, fixed-term or continuing appointment in accordance with the terms of his or her appointment or for any of the following reasons(4 Tm0 g0 G[( )] TJ2( )].71792 reW\*nBT

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months that had elapsed were to be considered as a lengthy period of notice for purposes of a pending termination because the Applicant: challenged the July 2019 termination decision; was able to work for three months while successfully pursuing suspension of action pending a response to the first ME request; and was thereafter granted SLWFP.

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considered by the Organization in deliberating on the first ME request,

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*(Signed)*

Judge Eleanor Donaldson-Honeywell

Dated this 15<sup>th</sup> day of October 2021

Entered in the Register on this 15<sup>th</sup> day of October 2021