

Statement by Dr. Sultan

I have attended the deliberations and public hearings of the Tribunal on cases Nos. 17 to 21 as an alternate member without vote. I fully concur in the judgement adopted by the majority of the Tribunal.

(Signature)

Hamed SULTAN

Judgement No. 5

Case No. 17 :
Howrani

**Against: The Secretary-General
of the United Nations**

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Lieutenant-General His Highness, the Maharaja Jam Saheb of Nawanagar, President ; Mr. Rowland Andrews Egger, Vice-President ; Dr. Hamed Sultan ; Dr. Emilio Oribe, alternate member ;

Having been seized of the application filed by Mr. Raja Faris Howrani on 27 April 1951 alleging the improper termination of his temporary-indefinite contract and of the Respondent's answer of 20 June 1951 and of subsequent documentation furnished by both parties ;

Having, in its judgement delivered in open hearing on 25 August 1951, pronounced upon the legal issues respecting the two points common to the group of cases pending before it ;

Having conferred *in camera* on 30 August with Counsel for both parties and obtained agreement upon the conduct of proceedings in individual cases ;

Having duly examined the personal dossiers maintained by the Bureau of Personnel in respect of each Applicant ;

Having considered the written evidence furnished by Counsel for the Applicants and Counsel for the Respondent in reply to the questions put by the Tribunal in public hearings on 25 August and 30 August 1951 ;

Pronounced in public hearing on 4 September 1951 the following judgement :

The Tribunal finds that the causes assigned by the Secretary-General for the termination of Mr. Howrani's temporary-indefinite contract constitute a reasonable statement of grounds for separation. The Tribunal, nevertheless, desires to point out that there is a marked disparity between the service ratings of Mr. Howrani as well as actions

by the Bureau of Personnel with respect to the classification and re-classification of his position and the awarding of within-grade increases, and the decision to terminate Mr. Howrani's appointment.

It appears, however, that the efforts made to secure other posts for Mr. Howrani were too remote in point of time from the decision to terminate, to be regarded as a serious effort to secure another post for him at the time the decision to terminate was envisaged.

In the opinion of the Tribunal an essential element of due process is therefore lacking in the termination of Mr. Howrani's appointment.

The Tribunal finds that the application of Mr. Howrani is well founded in this respect and orders that the decision contested by the Applicant be rescinded in accordance with article 9 of the Statute of the Tribunal.

Judged and pronounced in public hearing on 4 September 1951, at New York, by the Administrative Tribunal composed of the members whose names are indicated above.

(Signatures)

Digvijaysinhji of NAWANAGAR
President

Mani SANASEN
Executive Secretary

Judgement No. 6

Case No. 18 :
Keeney

Against: **The Secretary-General
of the United Nations**

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Lieutenant-General His Highness the Maharaja Jam Saheb of Nawanagar, President ; Mr. Rowland Andrews Egger, Vice-President ; Dr. Hamed Sultan ; Dr. Emilio Oribe, alternate member ;

Having been seized of the application filed by Mrs. Mary Jane Keeney on 7 June 1951 alleging the improper termination of her temporary-indefinite contract and of the Respondent's answer of 12 July 1951 and of subsequent documentation furnished by Applicant ;

Having, in its judgement delivered in open hearing on 25 August 1951, pronounced upon the legal issues respecting the two points common to the group of cases pending before it ;