
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/038
Order No.: 240 (NY/2018)
Date: 10 December 2018
Original: English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Nerea Suero Fontecha

SINGHAL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON WITHDRAWAL OF AN
APPLICATION FOR SUSPENSION OF
ACTION**

Counsel for Applicant:

Daniel Trup, OSLA

Counsel for Respondent:

Alister Cumming, ALS/OHRM, UN Secretariat

Introduction

1. On 5 December 2018, the Applicant, a P-4 Political Affairs Officer working for the Department of Political Affairs in New York, filed an application for suspension of action during management evaluation pursuant to art. 2.2 of the Dispute Tribunal's Statute and art. 13 of its Rules of Procedure, requesting suspension of the "decision of the Administration to exclude him from the interview stage in relation to a recruitment process for the position of P-5 Senior Political Affairs Officer".

Background and procedural history

2. On 31 July 2018, the Applicant applied for the position of P-5 Senior Political Affairs Officer within the Office of Counter-Terrorism.

3. On 2 October 2018, the Applicant was shortlisted to take the written test for the advertised post. On 12 October 2018, the Applicant undertook the online written test. The test itself comprised of three sections. The first part of the examination, subject to this application, was a multiple-choice exercise. In this exercise, the candidates were required to assess ten ethical dilemmas and then choose between four possible courses of action. Each action was to be rated on a sliding scale from Inappropriate; Somewhat Inappropriate; Somewhat Appropriate; or Appropriate.

4. The Applicant completed the multiple-choice section of the written test and received a score of 3 out of 10 by the system. The Applicant then completed the two remaining parts of the examination.

5. At the beginning of November 2018, the Applicant became aware that he had not been shortlisted for an interview based on the fact that he had failed the multiple-choice exercise.

6. On 20 November 2018, the Applicant, submitted an application for Management Evaluation Review challenging the procedural irregularity of the recruitment and specifically the technical errors in the examination marking of the multiple-choice exercise.

7. On 5 December 2018, the Applicant filed the present application. On the same day, the case was assigned to the undersigned Judge. By email to the parties, sent on the same day, the New York Registry acknowledged receipt of the application for suspension of action and transmitted the Judge's request that the Respondent were to file a reply by 1:00 p.m. on 7 December 2018, together with all available documentation relating to the written test, including the test results for all candidates for each of the three components of the test (the Job-Fit Question are and the two written tests) and the evaluation criteria for each part of the test (including the grading system). The Respondent was also requested to confirm the proposed dates for the interviews and when the short-listed candidates for an interview were notified. The Applicant was requested to provide the exact date when he was informed that he had not been shortlisted for an interview and informed that he may file a response, if any, to the Respondent's reply by 4:00 p.m. on 7 December 2018.

8. On 6 December 2018, the Applicant filed a request for withdrawal of application for suspension of action, stating that "On 6 December 2018, [the Applicant] received e-mail confirmation from the Administration that the recruitment process had now in fact been suspended pending the determination of the Management Evaluation Unit. [...] In light of this development, [the Applicant] now seeks to withdraw this application for suspension of action before the United Nations Dispute Tribunal".

9. By email issued on 7 December 2018, the Tribunal informed the parties that pursuant to the Applicant's motion for withdrawal, the Judge had decided that the deadline for the Respondent's reply was vacated.

Conclusion

10. Taking into consideration that the Applicant has requested the withdrawal of his application for suspension of action, there is no longer any determination for the Tribunal to make on the application.

11. In light of the foregoing and without prejudice to future proceedings, if any,

IT IS ORDERED THAT:

12. The Applicant's request to withdraw the application for suspension of action is noted by the Tribunal and Case No. UNDT/NY/2018/079 is hereby closed.

(Signed)

Judge Alessandra Greceanu

Dated this 10th day of December 2018