



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/130

Order No.: 369 (NBI/2015)

Date: 17 November 2015

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ROSS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICATION FOR
SUSPENSION OF ACTION PENDING
MANAGEMENT EVALUATION**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
Karen Madeleine Farkas, UNHCR

Introduction

1. The Applicant is a Senior Protection Officer at the United Nations High Commissioner for Refugees (UNHCR). He serves at the P3 level on a fixed term appointment.

2. On 11 November 2015, the Applicant filed an Application for suspension of action under art. 2.2 of the UNDT Statute under which the Tribunal may suspend, if certain conditions are met, the implementation of an administrative decision pending the outcome of a management evaluation.

3. In the said Application, the Applicant challenged the Respondent's decision to select an external candidate for the position of Senior Legal Officer (Administration of Justice) in Nairobi announced via a UNHCR broadcast email to all staff on 6 November 2015.

4. The Respondent filed a Reply to the Application on 13 November 2015. Annexed to the Reply was the outcome of the management evaluation request which was communicated to the Applicant on 13 November 2015.

Deliberations and Order

5. Article 2.2 of the Dispute Tribunal's Statute stipulates that,

The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

6. The contested administrative decision is no longer the subject of an ongoing management evaluation in terms of art. 2.2 of the Dispute Tribunal's Statute.

7. There is no longer a dispute to be adjudicated upon by the Tribunal as the relief sought by the Applicant has been discharged by the rendering of a management evaluation decision.

8. The Application for Suspension of Action is therefore **STRUCK OUT**.

(Signed)

Judge Nkemdilim Izuako

Dated this 17th day of November 2015

Entered in the Register on this 17th day of November 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi