



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/077

Order No.: 115 (NBI/2018)

Date: 1 August 2018

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

OSMAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:

Robbie Leighton, OSLA

Counsel for the Respondent:

HRLU, UNOG

Introduction

1. The Applicant is serving as a Project Manager, P-4, for the Drug Research Center, United Nations Office on Drugs and Crime (UNODC). He is currently working on the Afghan Opiate Trade Project (AOTP), which is dependent on external funding.

2. On 26 July 2018, the Applicant, represented by external counsel, filed an application for suspension of action, under art. 2.2 of the United Nations Dispute Tribunal (UNDT/the Tribunal) Statute, with the UNDT requesting suspension of the decision not to renew his fixed-term appointment beyond 31 July 2018 and the failure to respond to his request for Special Leave Without Pay (SLWOP).

3. On 27 July 2018, the Applicant, represented by OSLA, filed the current application for suspension of action, pending management evaluation, with the UNDT praying for suspension of the decisions not to renew his appointment beyond 31 July 2018 due to a funding gap and to not grant him Special Leave Without Pay (SLWOP) as an interim measure.

4. The Tribunal concluded in its Order No. 113 (NBI/2018), dated 30 July 2018, that the Applicant had met the evidentiary threshold required under art. 2.2 of the UNDT Statute and art. 13 of the Rules of Procedure and granted his request for suspension of the impugned decisions pending management evaluation.

Considerations

5. The Tribunal is now faced with a second application for suspension of action from the Applicant who is contesting the same administrative decisions that were deliberated on and adjudicated in Order No. 113.

6. Apparently, the Tribunal has already granted the Applicant the relief he is seeking in his application of 27 July 2018 by suspending implementation of the impugned decisions pending management evaluation. It would be a fruitless endeavor for the Tribunal to entertain this application because no further value will be added to the remedy that has already been granted to the Applicant.

7. In *Kallon* 2017-UNAT-742, the United Nations Appeals Tribunal (the Appeals Tribunal) made the following observations on the mootness doctrine:

44. A judicial decision will be moot if any remedy issued would have no concrete effect because it would be purely academic or events subsequent to joining issue have deprived the proposed resolution of the dispute of practical significance; thus placing the matter beyond the law, there no longer being an actual controversy between the parties or the possibility of any ruling having an actual, real effect. The mootness doctrine is a logical corollary to the court's refusal to entertain suits for advisory or speculative opinions.

8. In the prevailing circumstances, the application for suspension of action pending management evaluation that was filed on 27 July 2018 by the Applicant no longer presents a live issue.

Order

9. The application for suspension of action, dated 27 July 2018, in Case No. UNDT/NBI/2018/077, is accordingly struck off the Tribunal's docket.

(Signed)

Judge Nkemdilim Izuako

Dated this 1st day of August 2018

Entered in the Register on this 1st day of August 2018

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi