



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

SMITH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat

Nisha Patel, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a Senior Electoral Officer working with the United Nations Mission in South Sudan (“UNMISS”), based in Juba.
2. On 25 September 2025, he filed an application for suspension of action (“SOA”) requesting the Tribunal to suspend the Respondent’s decision not to extend his temporary appointment beyond 30 September 2025, pending management evaluation (“the contested decision”).
3. The Respondent filed a reply to the SOA application on 29 September 2025, in which he submits that on 27 September 2025, UNMISS informed the Applicant that his appointment would be extended for a period of 30 days pending the outcome of the management evaluation. In support of this submission, the Respondent attached to the reply, an email from UNMISS to the Applicant regarding suspension of the contested decision (Annex R/1) and a personnel action on renewal/extension of the Applicant’s appointment (Annex R/2).

Consideration

4. As held by the Appeals Tribunal in *Kallon* 2017-UNAT-742 (para. 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.

5. In the present case, the Applicant has obtained the relief he seeks, that is, suspension of the contested decision pending management evaluation, rendering his SOA application moot.

Conclusion

6. The application is dismissed as moot.

(Signed)

Judge Sean Wallace

Dated this 29th day of September 2025

Entered in the Register on this 29th day of September 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi