



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/110
Order No.: 188 (NBI/2025)
Date: 14 October 2025
Original: English

Before: Judge Sean Wallace
Registry: Nairobi
Registrar: Wanda L. Carter

VELJI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER PURSUANT TO ARTICLES 19
AND 36 OF THE UNDT RULES OF
PROCEDURE (VILLAMORAN)**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
UNEP

Introduction

1. The Applicant is a Senior Administrative Assistant in the United Nations Environment Programme (“UNEP”), Industry and Economy Division, based in Nairobi. The Applicant holds a permanent appointment.

2. On 12 October 2025, she filed an application contesting the following decisions:

a. A 25 September 2025 decision to abolish her post under the UNEP functional review/downsizing;

b. The subsequent decision to move her post from the Environment Fund to extrabudgetary resources for one year, without formal rescission of abolition of the post;

c. A 9 October 2025 decision excluding her from a Comparative Review Process (“CRP”) currently being implemented by UNEP depriving her of CRP retention rights;

d. Implementation of an irregular CRP from 13 to 24 October 2025; and

e. Any resulting action that could lead to termination or loss of retention/priority placement rights.

3. The Applicant requests the Tribunal to suspend the implementation of the CRP pending management evaluation of the decision to exclude her.

Consideration

4. In *Villamorán* 2011-UNAT-160, para. 43, it was held that

Where the implementation of an administrative decision is imminent, through no fault or delay on the part of the staff member, and takes place before the five days provided for under Article 13 of the Rules of Procedure of the UNDT (UNDT Rules) have elapsed, and where the UNDT is not in a position to take a decision under Article 2(2) of the UNDT Statute, i.e. because it requires further information or time to reflect on the matter, it must have the

discretion to grant a suspension of action for these five days. To find otherwise would render Article 2(2) of the UNDT Statute and Article 13 of the UNDT Rules meaningless in cases where the implementation of the contested administrative decision is imminent.

5. This principle was reaffirmed in *Nwuke* 2012-UNAT-230, para. 34.
6. On 25 September 2025, the Applicant was informed of the “deteriorating situation of the Environment Fund, and to the UN80 and UNEP functional review process with the outcome of several positions/posts abolishment, including potentially the post that you are encumbering.”
7. The abolishment of the Applicant’s post would have entailed her participation in the CRP as set out in the 30 September 2025 memorandum from the Executive Director, UNEP and in accordance with ST/AI/2023/1 (Downsizing or restructuring resulting in termination of appointments). However, a 9 October 2025 email to the Applicant from the UNEP, Director of the Industry and Economy Division informs her that

we were pleased to inform you that we were able to identify applicable extrabudgetary funds to cover your salary costs and to move the post off from Environment Fund funding for 2026. With the post no longer being abolished, you were not included in the comparative review process as this is only for staff affected by positions that were identified for abolishment due to the budget cuts.
8. The legal basis for this late move of the source of funding of the Applicant’s currently encumbered post, just before the CRP, is not readily apparent. What appears to be evident is that the Applicant’s contractual position has changed from a permanent appointment to an appointment that will be dependent on extrabudgetary funds (which are assured only up to 2026) and that she has been excluded from participating in the scheduled retention process.
9. Pursuant to art. 19 of the UNDT Rules of Procedure, the Tribunal may at any time issue any order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties. Article 36(1) of the UNDT Rules of Procedure stipulates that all matters that are not expressly provided for in the UNDT’s Rules of Procedure shall be dealt with by decision of

the Dispute Tribunal on the particular case, by virtue of the powers conferred on it by art. 7 of its Statute.

10. The Tribunal finds that the imminent nature of implementation of the decision to initiate the CRP to the exclusion of the Applicant is sufficient to require a *Villamoran* Order pending a decision on the suspension of action application. The Tribunal is not in a position to take a decision at this point because it requires further information from the Respondent and time to reflect on the matter. Therefore, it is just for the Tribunal to exercise its discretion to grant a suspension of action for no more than five days.

Conclusion

11. In view of the foregoing, it is ORDERED THAT:

- a. The Respondent shall file a reply to the application by **12 noon (Nairobi time) on Thursday, 16 October 2025.**
- b. The implementation of the CRP, to the extent that it excludes the Applicant, is suspended for no more than five days, that is, until **Wednesday, 22 October 2025.**

(Signed)

Judge Sean Wallace

Dated this 14th day of October 2025

Entered in the Register on this 14th day of October 2025

(Signed)

Isaac Endeley, for Wanda L. Carter, Registrar, Nairobi