

UNDT/2009/020, Hussein

UNAT Held or UNDT Pronouncements

The Applicant filed the application for a stay of proceedings in her case pending the outcome of an on-going recruitment process to the vacant post. The motion for stay of proceedings was refused because it lacked merit. The application was struck out because the Applicant was inviting the Tribunal to act as “Big Brother” and constitute some kind of sword of Damocles over the head of the Respondent by keeping her case alive while the recruitment process was on and to possibly invoke it if she was not happy with the outcome of the exercise. This was an abuse of the Tribunal’s process. In accepting to become part of the cancellation of the vacancy announcement and a re-launch of the same process over which she had brought a case to the Tribunal by presenting herself as a candidate, the Applicant acquiesced in the process and effectively extinguished her claims.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decisions to: discontinue her Special Post Allowance (SPA), cancel the recruitment process that was underway for vacancy announcement (VA) no. 8-PRO-UNON-417625-NAIROBI, and re-launch the VA.

Legal Principle(s)

Persons bringing matters before the Tribunal must at all times do so with every amount of sincerity and seriousness. The Tribunal does not make an order in vain and will not allow parties to come before her in a game of cards.

Outcome

Dismissed on merits

Outcome Extra Text

The Tribunal refused the motion for stay of proceedings and struck out the application.

Full judgment

[Full judgment](#)

Applicants/Appellants

Hussein

Entity

UNON

Case Number(s)

UNDT/NBI/2009/010

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

17 Sep 2009

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Salary

Special Post Allowance

Staff selection (non-selection/non-promotion)

Applicable Law

UNDT RoP

- Article 19

Related Judgments and Orders

2010-UNAT-006