

# UNDT/2011/073, Modeste

## UNAT Held or UNDT Pronouncements

UNDT held that, in light of Order No. 62 (NY/2010) and the subsequent lack of prosecution of the proceedings, there was no matter for adjudication before the Tribunal. UNDT closed the case without a determination of its merits.

## Decision Contested or Judgment/Order Appealed

Request for a suspension of action of a decision to appoint another candidate to a post.

## Legal Principle(s)

For an application for suspension of action to be successful, it must demonstrate that the impugned decision was prima facie unlawful, that it caused irreparable damage, and that there was a matter of urgency.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Modeste

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2010/062

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

25 Apr 2011

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Suspension of action / interim measures

## Applicable Law

Staff Rules

- Rule 11.4(a)

UNDT Statute

- Article 2.2

## Related Judgments and Orders

UNDT/2009/003