

UNDT/2011/114, Philippart

UNAT Held or UNDT Pronouncements

On 31 December 2010 the Tribunal granted suspension of action pending management evaluation, pursuant to Order No. 338 (NY/2010). UNDT held that it was evident that the decision not to renew the Applicant was influenced by at least some improper considerations that, as a result, it was satisfied of the prima facie unlawfulness of the decision. UNDT also held that the situation held particular urgency. UNDT further held that, given the criticisms made of the Applicant's performance, it was reasonable to conclude that if the contested decision was not suspended, irreparable harm to the Applicant's reputation and employability would result. UNDT noted that the Applicant did not file an application or a request for an extension of time to file one, nor did it receive any other correspondence, motion or pleadings from either party in this case. UNDT closed the case file as there were no current proceedings before it.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application for suspension of action of the decision not to extend his contract beyond its expiration on 31 December 2010.

Legal Principle(s)

When it comes to applications for suspension of action, UNDT has to consider: 1) whether the impugned decision appears to be prima facie unlawful; 2) whether the matter is of particular urgency; and 3) whether its implementation will cause the Applicant irreparable harm. UNDT must find that all three of these requirements have been met in order to suspend the action (implementation of the decision) in question.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Philippart

Entity

UNICRI

Case Number(s)

UNDT/NY/2010/106

Tribunal

UNDT

Registry

New York

Date of Judgement

24 Jun 2011

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Arbitrary or improper motive

Suspension of action / interim measures

Irreparable damage

Particular urgency

Prima facie unlawfulness

Applicable Law

Staff Rules

- Rule 11.2
- Rule 11.4(a)

UNDT Statute

- Article 2.2