

UNDT/2011/136, Slade

UNAT Held or UNDT Pronouncements

Article 2 first confers the Tribunal with the jurisdiction to determine, in any application filed by an individual before it, whether the contested decision is an “administrative decision” and whether it was made in compliance with or contrary to an individual’s terms of appointment or contract of employment. In other words, it is for the Tribunal to determine, inter alia, in any given case, whether a contested decision qualifies as an “administrative decision” or not. As a matter of law and practice, a “friend-of-court” brief is a legal position on the issues for determination before the Tribunal from the point of view of the said “friend-of-court”. Article 24(2) provides that the Tribunal will grant the Application to file such a brief if it considers that the filing of the brief “would assist the Dispute Tribunal in its deliberations.” The subject matter of this suit cannot properly be addressed and determined in a suspension of action application. The grant of a suspension of action is not a “one size fits all” procedure. Whilst the present Application poses far-reaching questions that need to be decided on the merits, it does not merit the grant of a suspension of action. The Tribunal, in the interests of justice and in exercise of its inherent powers and the provisions of Articles 19 and 36 of its Rules of Procedure, hereby transfers the instant application to the general cause list to be heard on the merits. The Application for suspension of action is rejected for not having satisfied the three conditions required under the Statute and Article 13 of the Tribunal’s Rules of Procedure for its grant.

Decision Contested or Judgment/Order Appealed

On 19 April 2011, the Applicant filed her request for management evaluation and subsequently filed the present Application for suspension of action of the decision to implement, on 1 July 2011, the Harmonization of Conditions of Service for Internationally-Recruited Staff in Peacekeeping Operations and Special Political Missions.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Slade

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2011/028

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

1 Aug 2011

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Suspension of action / interim measures

Receivability

Applicable Law

UNDT RoP

- Article 13
- Article 19
- Article 24.1
- Article 24.2
- Article 24.3

UNDT Statute

- Article 2.1