

UNDT/2011/187, Applicant

UNAT Held or UNDT Pronouncements

Having considered that the application on the merits is irreceivable because the relevant response period for the management evaluation has not expired, the Tribunal rejects the application for suspension of action insofar as it is submitted pursuant to article 14 of the Rules of Procedure. It however considers that the contested decision appears *prima facie* unlawful, that its implementation would cause irreparable damage and that the case is of particular urgency, and it consequently orders that the contested decision be suspended during the pendency of the management evaluation, pursuant to article 13.

Receivability/cumulative effect of organizational measures: Even though each individual decision taken by the Chief of OSLA can be considered as an organizational measure which, as such, may not be contested before the Tribunal, taken together these decisions had the object and effect of removing all of the Applicant's responsibilities, thus constituting an appealable administrative decision.

Prima facie unlawfulness / breach of the right to be given work: A supervisor may not remove most of a staff member's responsibilities without relying on a legal basis to do so.

Urgency: The requirement of particular urgency is satisfied where a staff member receives a salary without being assigned any work, except in the cases specifically provided for by the relevant rules and regulations, as this situation seriously damages the image of the unit and the interest of the service as well as that of the staff member concerned.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application for suspension of action pertaining to the decision to remove her from her duties as counsel.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UN Secretariat

Case Number(s)

UNDT/GVA/2011/073

Tribunal

UNDT

Registry

Geneva

Date of Judgement

4 Nov 2011

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Suspension of action / interim measures

Irreparable damage

Particular urgency

Prima facie unlawfulness

Applicable Law

UNDT RoP

- Article 13
- Article 14

UNDT Statute

- Article 10.2
- Article 2.1
- Article 2.2
- Article 8.1