

UNDT/2011/212, Evangelista

UNAT Held or UNDT Pronouncements

The UNDT found that the Applicant failed to satisfy the requirements of irreparable damage and particular urgency. The application for suspension of action was rejected.

Decision Contested or Judgment/Order Appealed

The Applicant submitted an application for suspension of action, pending management evaluation, of the decision to require her to take a break in service after the expiration of her current contract on 31 December 2011 and prior to a new temporary appointment.

Legal Principle(s)

Irreparable damage: It is generally accepted that mere financial loss is not enough to satisfy the requirement of irreparable damage. Depending on the circumstances of the case, harm to professional reputation and career prospects, harm to health, or sudden loss of employment may constitute irreparable damage. For an application to be successful, there must be at least an averment of irreparable harm to the applicant. **Urgency:** Urgency is relative and each case will turn on its own facts, given the exceptional and extraordinary nature of such relief. If an applicant seeks the Tribunal's assistance on an urgent basis, she or he must come to the Tribunal at the first available opportunity, taking the particular circumstances of her or his case into account. The onus is on the applicant to demonstrate the particular urgency of the case and the timeliness of her or his actions. The requirement of particular urgency will not be satisfied if the urgency was created or caused by the applicant.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Evangelista

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2011/094

Tribunal

UNDT

Registry

New York

Date of Judgement

15 Dec 2011

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Suspension of action / interim measures

Irreparable damage

Particular urgency

Prima facie unlawfulness

Applicable Law

Administrative Instructions

- ST/AI/2010/4
- ST/AI/2010/4/Rev.1

Staff Rules

- Rule 11.2
- Rule 4.12

UNDT RoP

- Article 13

UNDT Statute

- Article 2.1
- Article 2.2

Related Judgments and Orders

UNDT/2011/206