

UNDT/2012/017, Agona

UNAT Held or UNDT Pronouncements

In the absence of a decision to abolish the post, there can be no suspension of such decision. The Tribunal finds the Applicant has failed to articulate that the implementation of the contested decision would cause him any harm that could not be compensated by an appropriate award of damages in the event of his success in the substantive case. The application for suspension of action would therefore fail on this ground alone. There was not a single averment regarding the prima facie unlawfulness of the alleged decision to abolish the post other than generalisations made regarding an attempted subterfuge and alleged discrimination and retaliation. As it presently stands, there is no identifiable challenge to the alleged abolition of the post to be found in the application. In this regard, the current application in the Tribunal's mind, verges on the frivolous.

Decision Contested or Judgment/Order Appealed

Decision to abolish a post.

Legal Principle(s)

The Dispute Tribunal may suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears prima facie to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Agona

Entity

UNFPA

Case Number(s)

UNDT/NY/2012/006

UNDT/NY/2012/6

Tribunal

UNDT

Registry

New York

Date of Judgement

3 Feb 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Suspension of action / interim measures

Irreparable damage

Applicable Law

UNDT Statute

- Article 2.2