

UNDT/2012/081, Maloka Mpacko

UNAT Held or UNDT Pronouncements

The contested decision was to go into effect on 1 June 2012. The initial papers were received by the Tribunal on 29 May 2012, and the Applicant subsequently re-filed her papers as proper application on 30 May 2012. The UNDT found that the urgency in this case was created by the Applicant as she was aware of the contested decision at least since 13 April 2012, and yet filed her proper application only two working days before the decision was to be implemented, providing no explanation for not filing it earlier. As the condition of particular urgency was not met, the UNDT did not find it necessary to determine whether the remaining two conditions—*prima facie* unlawfulness and irreparable damage—were satisfied. Outcome: The application for suspension of action was rejected.

Decision Contested or Judgment/Order Appealed

The Applicant, a staff member in the United Nations Stabilization Mission in Haiti (“MINUSTAH”), submitted an application for suspension of action, pending management evaluation, of the decision to reassign her from the Procurement Section to the Civil Affairs Section, MINUSTAH.

Legal Principle(s)

Particular urgency: 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

Maloka Mpakko

Entity

MINUSTAH

Case Number(s)

UNDT/NY/2012/041

Tribunal

UNDT

Registry

New York

Date of Judgement

31 May 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Suspension of action / interim measures

Particular urgency

Applicable Law

UNDT RoP

- Article 13

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2011/126

UNDT/2011/133

UNDT/2011/206

UNDT/2011/212