

UNDT/2012/082, Rafii

UNAT Held or UNDT Pronouncements

Following the filing of the application for suspension of action, the Respondent filed a submission stating that UNAMA had agreed to allow the Applicant to retain a lien against her post and, accordingly, the application should be dismissed as moot. In response, the Applicant submitted to the Tribunal that, although UNAMA had agreed to grant her a lien on her post, as a result of this decision not made earlier, she would be placed on special leave without pay due to the exhaustion of her sick leave and annual leave days, pending finalization of arrangements for temporary employment in New York. The Tribunal found that the decision not to approve a lien on the Applicant's post having been set aside, there could no longer be any pending application for suspension of action of such decision. The Tribunal found that any other claims by the Applicant were not a matter for interim relief under the current application.

Decision Contested or Judgment/Order Appealed

The Applicant sought suspension of the decision of UNAMA "refus[ing] to grant a lien on [her] post to enable [her] to work elsewhere in the United Nations system on a temporary basis".

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Outcome Extra Text

The Tribunal dismissed the application for suspension of action.

Full judgment

[Full judgment](#)

Applicants/Appellants

Rafii

Entity

UNAMA

Case Number(s)

UNDT/NY/2012/039

Tribunal

UNDT

Registry

New York

Date of Judgement

1 Jun 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Suspension of action / interim measures

Irreparable damage
Particular urgency
Prima facie unlawfulness

Applicable Law

UNDT RoP

- Article 13

UNDT Statute

- Article 2.2