

UNDT/2012/117, Majoul-Hunter

UNAT Held or UNDT Pronouncements

Particular urgency: The requirement of particular urgency will not be satisfied if the urgency was created or caused by the applicant.

Decision Contested or Judgment/Order Appealed

By the end of June 2012, the Applicant was informed that, following the outcome of her performance improvement plan, it had been decided not to extend her fixed-term appointment beyond its expiry on 31 July. The Applicant sought suspension of action on the decision not to extend her appointment. The UNDT found that the Applicant failed to meet the test of urgency. It noted in this respect that she filed her application for suspension of action on the last day of her appointment although she had been informed of the contested decision five weeks before, and that she did not provide any explanation for this late filing. The Tribunal also found that the Applicant failed to establish a serious and reasonable doubt about the lawfulness of the contested decision since she had accepted her performance improvement plan and she had subsequently failed to challenge the outcome of her performance appraisal. It further considered that her allegations of harassment and abuse of authority were not supported by sufficient evidence. It accordingly rejected the application for suspension of action.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Majoul-Hunter

Entity

UNOG

Case Number(s)

UNDT/GVA/2012/064

Tribunal

UNDT

Registry

Geneva

Date of Judgement

31 Jul 2012

Duty Judge

Judge Laker

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/2010/5

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2011/120

UNDT/2012/081

2010-UNAT-067