

# **UNDT/2012/147, Dua**

## UNAT Held or UNDT Pronouncements

The Tribunal found that no interim relief could be ordered either under art. 2.2 or art. 10.2 of its Statute. No management evaluation was ongoing at the time of the application and thus no suspension of action could be ordered under art. 2.2 of the Statute. Further, as no application on the merits under art. 2.1 of the Statute has been filed by the Applicant, no interim relief could be ordered under art. 10.2 of the Statute. The Tribunal noted that, even if the Applicant filed an application on the merits under art. 2.1 of the Statute in addition to the present application for suspension of action, his claim for interim relief would have been dismissed as any urgency in this case was of the Applicant's own making. The Tribunal dismissed the application, but found it appropriate to permit him to re-file his application as an application on the merits under art. 2.1, accepting the date of the filing of the present application for suspension of action as the date of the filing of the application on the merits.

## Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of the United Nations Children's Fund ("UNICEF") in India, filed an application for suspension of action, identifying the contested decision as the manner of his separation from UNICEF and events following his separation.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Dua

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2012/079

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

5 Oct 2012

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Suspension of action / interim measures

Prima facie unlawfulness

## Applicable Law

### UNDT RoP

- Article 19

### UNDT Statute

- Article 10.2
- Article 2.1