

UNDT/2012/153, Abo-Esabia

UNAT Held or UNDT Pronouncements

Receivability of application for suspension of action pending management evaluation: It results from article 2.2 of the Tribunal's Statute read in conjunction with staff rule 11.2(c) that a request for suspension of action during the pendency of the management evaluation may only be receivable if the request for management evaluation has been submitted in due time.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application for suspension of action, pending management evaluation, on the decision to discontinue his post with effect from 1 January 2013. The Tribunal noted that the Applicant had been notified of the decision to discontinue his post on 27 June 2012 and that he submitted his request for management evaluation only on 1 October 2012, that is, well after the 60-day time limit foreseen in staff rule 11.2(c). It accordingly rejected the application as irreceivable.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Abo-Esabia

Entity

UNHCR

Case Number(s)

UNDT/GVA/2012/084

Tribunal

UNDT

Registry

Geneva

Date of Judgement

17 Oct 2012

Duty Judge

Judge Cousin

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Separation from service

Suspension of action / interim measures

Irreparable damage

Particular urgency

Prima facie unlawfulness

Receivability

Applicable Law

Staff Rules

- Rule 11.2

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2011/118

UNDT/2011/119

UNDT/2011/120