

066 (NY/2024), Scepanovic

UNAT Held or UNDT Pronouncements

The Tribunal noted that the Applicant requested the interim measure of “[s]uspension of [a]ction of the proposed separation of the Applicant” under art. 14 of the Rules of Procedure. The applicable rule stipulates that an application for interim measures during the proceedings must not concern appointment, promotion or termination. As this was clearly a case where the application concerned termination, the temporary relief set out in art.14 was unavailable to the Applicant.

In any event, the Tribunal noted that the contested decision had already been implemented and that the Applicant had already been separated from service.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application with the Tribunal contesting the decisions to: (a) terminate his fixed-term appointment, and (b) not to place him on special leave with half pay, following the exhaustion of his entitlements to annual leave and certified sick leave. In his application, the Applicant requested an order for interim measures during the proceedings.

Legal Principle(s)

For the Tribunal to consider interim measures, several cumulative conditions set forth in the above-mentioned provisions must be met (see *Nadeau* Order No. 116 (NY/2015), *Auda* Order No. 156 (GVA/2016), *Harvey* Order No. 010 (GVA/2020), and *Adelegan* Order No. 112 (GVA/2020))

Outcome

Interim measure denied

Full order

[Full order](#)

Individual Party

Scepanovic

Entity

MINUSMA

Case Number(s)

UNDT/NY/2024/023

Tribunal

UNDT

Registry

New York

Date of Order

11 Jun 2024

Duty Judge

Judge Adda

Language of Order

English

Issuance Type

Order

Categories/Subcategories

Interim measure denied

Applicable Law

UNDT RoP

- Article 14.1

UNDT Statute

- Article 9
- Article 10.2