

# 011 (NY/2024), Chaudhary

## UNAT Held or UNDT Pronouncements

For an application for suspension of action to be successful, there must be at least an averment of irreparable harm to the Applicant, which the present application did not contain. The reasons proffered by the Applicant did not constitute grounds for a finding of irreparable damage to the Applicant. The Applicant did not show that the implementation of the contested decision would cause him any harm that could not be compensated by an appropriate award of damages in the event the Applicant subsequently decided to file an application on the merits under art. 2.1 of the Tribunal's Statute (*Evangelista* UNDT/2011/212).

## Decision Contested or Judgment/Order Appealed

The Applicant filed an application requesting the suspension, pending management evaluation, of "the decision to curtail his temporary appointment at the P-4 level and request him to immediately report to his previous P3 post".

## Legal Principle(s)

The Tribunal recalled that irreparable damage is a loss that cannot be adequately compensated through a monetary award (*Khalouta* Order No. 138 (NY/2014)). It is generally accepted that mere financial loss is not enough to satisfy the requirement of irreparable damage (*Evangelista* UNDT/2011/212). Depending on the circumstances of the case, sudden loss of employment, harm to health, or harm to professional reputation and career prospects may constitute irreparable damage. The onus is, however, on the Applicant to demonstrate, with specificity, that irreparable damage will occur and must not be speculative (*Nwuke* UNDT/2011/107).

## Outcome

Suspension of action denied

## Outcome Extra Text

As the Applicant did not satisfy the requirement of proving that he would suffer irreparable damage if the contested decision were implemented, the application failed and there was no need to examine the conditions of *prima facie* unlawfulness and particular urgency.

## Full order

[Full order](#)

## Individual Party

Chaudhary

## Entity

OHRLLS

## Case Number(s)

UNDT/NY/2024/004

## Tribunal

UNDT

## Registry

New York

## Date of Order

2 Feb 2024

## Duty Judge

Judge Adda

## Language of Order

English

## Issuance Type

Order

## Categories/Subcategories

Suspension of action / interim measures

## Applicable Law

UNDT RoP

- Article 13.1

UNDT Statute

- Article 2.2

## Related Judgments and Orders

UNDT/2011/107

UNDT/2011/212