

# **010 (NBI/2024), Nelson Mutsoli**

## UNAT Held or UNDT Pronouncements

The Court held that the application was not admissible because none of the elements that justified a stay of action were present. The Court held that the administrative measure was moot and inadmissible because the contested administrative measure had been explained and an additional step had been taken to eliminate any possibility of prejudice to the appeal.

## Decision Contested or Judgment/Order Appealed

The applicant requested that the execution of the decision of the Entebbe Regional Service Centre to recover his scholarship advance for the 2022-2023 academic year in the amount of USD 31,890.40 and to overpay his salary be suspended pending management's assessment.

## Legal Principle(s)

For a suspension order to be issued, it must be found that the administrative decision appears unlawful, is particularly urgent and that the execution of the contested decision would cause irreparable harm. These three findings must be met.

## Outcome

Suspension de l'action rejetée

## Outcome Extra Text

The Court held that the administrative measure was moot because the contested administrative measure had been explained and an additional step had been taken

to eliminate any possibility of prejudice to the appeal.

## Full order

[Full order](#)

## Individual Party

Nelson Mutsoli

## Entity

MINUSCA

## Case Number(s)

UNDT/NBI/2024/001 (Mutsoli, Nelson)

## Tribunal

UNDT

## Registry

Nairobi

## Date of Order

22 Jan 2024

## Duty Judge

Judge Belle

## Language of Order

French

## Appeal Status

Appealed

## Issuance Type

Order

## Categories/Subcategories

Autre

## Applicable Law

TCNU Règlement de procédure

- Article 13

TCNU Statut

- Article 2.2