

014 (NBI/2024), Jayne Kimani

UNAT Held or UNDT Pronouncements

In this case, the Management Evaluation Unit had already determined that the Applicant's request for a management evaluation was time-barred and was therefore not receivable. As there was no management evaluation pending and, consequently, one of the mandatory requirements for the examination of applications for suspension of action was not met.

Additionally, pursuant to art. 8.3 of its Statute, the Dispute Tribunal shall not suspend or waive the deadlines for management evaluation.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application requesting, under art. 2.2 of the Dispute Tribunal's Statute and art. 13 of its Rules of Procedure, the suspension, pending management evaluation, of the decision to make salary deductions from February 2022.

Legal Principle(s)

Art. 2.2 of the Tribunal's Statute provides that the Tribunal shall be competent to suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears prima facie to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage.

Outcome

Suspension of action denied

Outcome Extra Text

Full order

[Full order](#)

Individual Party

Jayne Kimani

Entity

UNEP

Case Number(s)

UNDT/NBI/2024/006

Tribunal

UNDT

Registry

Nairobi

Date of Order

1 Feb 2024

Duty Judge

Belle

Language of Order

English

Issuance Type

Order

Categories/Subcategories

Suspension of action

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Applicable Law

UNDT Statute

- Article 2.2
- Article 8.3