

077 (GVA/2024), Phogat

UNAT Held or UNDT Pronouncements

An application for suspension of action can only be entertained under the jurisdiction of the Dispute Tribunal when the challenged contested decision is the subject of an ongoing management evaluation (see Onana 2010-UNAT-008, para. 19; Igbiniedion 2011-UNAT-159, para. 20). In the present case, the Applicant's management evaluation request was no longer pending. The evidence showed that the Deputy High Commissioner completed the management evaluation on 27 June 2024, and that the Applicant received the outcome of his management evaluation request the same day. Consequently, as the management evaluation in this case had been completed, the present application had become moot, and the Tribunal did not need to examine whether the three statutory requirements specified in art. 2.2 of the Tribunal's Statute were met. Therefore, the Tribunal decided to dismiss the application.

Decision Contested or Judgment/Order Appealed

The Applicant requested suspension of action, pending management evaluation, of the decision not to renew his temporary appointment beyond 30 June 2024.

Outcome

Suspension of action denied

Full order

[Full order](#)

Individual Party

Phogat

Entity

UNHCR

Case Number(s)

UNDT/GVA/2024/024 (Phogat, Varun)

Tribunal

UNDT

Registry

Geneva

Date of Order

28 Jun 2024

Duty Judge

Judge Sun

Language of Order

English

Appeal Status

Appealed

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

Related Judgments and Orders

2010-UNAT-008

2011-UNAT-159