

115 (GVA/2024), SANAKA

SAMARASINHA

UNAT Held or UNDT Pronouncements

The Tribunal recalls that in his pending application, the Applicant contests the 1 December 2023 decision to place him on ALWOP. The Tribunal assessed the lawfulness of this decision in its consideration of the Applicant's 24 January 2024 application for suspension of action. The Tribunal found that the contested decision was not *prima facie* unlawful. The Applicant argues that the decision-maker failed to consider all the evidence before him when deciding to extend his placement on ALWOP. This, however, could be relevant, at best, in an examination of the 20 August 2024 decision extending the Applicant's placement on ALWOP (which is the subject of another case before this Tribunal). It is not relevant to the lawfulness analysis of the original decision to place the Applicant on ALWOP, which is the subject matter in the instant case. The Tribunal finds that the contested decision underlying the application on the merits, in which the Applicant filed his motion for interim measures, does not meet one of the three cumulative conditions in art. 14 of its RoP and art. 10.2 of its Statute, i.e., *prima facie* unlawfulness. Given the cumulative nature of the requirements to order interim measures to provide temporary relief, the Tribunal does not consider it necessary to examine the remaining conditions, namely urgency, irreparable damage and whether the requested temporary relief concerns appointment, promotion or termination.

Decision Contested or Judgment/Order Appealed

The Applicant seeks suspension of the of the 20 August 2024 decision to extend his Administrative Leave Without Pay ("ALWOP") from 25 August to 24 November 2024 by means of a suspension of action during the proceedings, also known as a request for interim measures, under art. 14 of the Tribunal's Rules of Procedure ("RoP").

Outcome

Interim measure denied

Full order

[Full order](#)

Individual Party

SANAKA SAMARASINHA

Entity

UNDP

Case Number(s)

UNDT/GVA/2024/015 (SAMARASINHA, SANAKA)

Tribunal

UNDT

Registry

Geneva

Date of Order

23 Sep 2024

Duty Judge

Judge Sun

Language of Order

English

Appeal Status

Appealed

Issuance Type

Order

Categories/Subcategories

Interim measures

Applicable Law

UNDT RoP

- Article 14
- Article 14.1

UNDT Statute

- Article 10.2