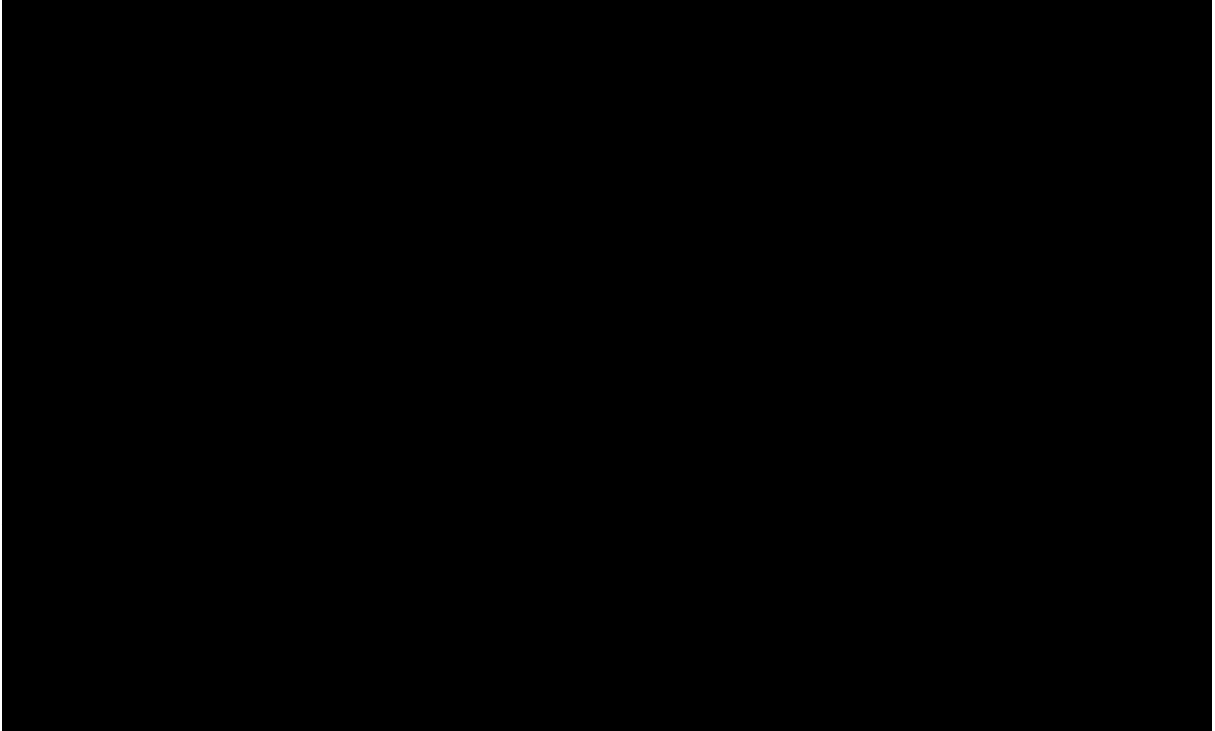


Case No. 2013-535

Bastet
(Applicant)

v.

Secretary-General of the United Nations



5. On 4 September 2013, the UNDT issued Order No. 154 (GVA/2013), convoking the parties to a hearing which was scheduled for 16 October 2013. The hearing was subsequently postponed due to the unavailability of Mr. Bastet's counsel.

6. On 20 September 2013, Mr. Bastet filed his first "Motion for Interim Relief", requesting that the Appeals Tribunal suspend the proceedings before the UNDT pending his appeals against Orders No. 96 (NY/2013) and No. 58 (GVA/2013), and the Secretary-General filed his Observations on the Motion on 25 October 2013.

7. By Order No. 162 dated 8 November 2013, this Tribunal dismissed Mr. Bastet's motion for interim relief, concluding that the interim relief he was seeking failed to meet the requirements of Article 9(4) of the Appeals Tribunal Statute (Statute).

Pending Motion

8. By Order No. 160 (GVA/2013) dated 22 October 2013, the UNDT in Geneva ordered the Secretary-General as Respondent to provide it with certain documents pertaining to the ultimate decision to dismiss Mr. Bastet from service.

9. On 24 October 2013, Mr. Bastet submitted an interlocutory appeal against Order No. 160. On the same day, he filed a motion for interim relief against Order No. 160 under Articles 9(4) and 7(5) of the Statute and Articles 8(6) and 18*bis* of the Appeals Tribunal Rules of Procedure (Rules), requesting that this Tribunal order a stay of the UNDT proceedings "until a UNAT judgment is issued on interlocutory Appeal cases No 471, 493 and in the interlocutory Appeal filed ... against Order No 160 (GVA/2013)".

10. Mr. Bastet makes many claims in his motion, including that it is "tantamount to a contempt towards the Appellate level, as well as an excess of jurisdiction" for the UNDT to proceed with his case in Geneva while his two previously filed interlocutory appeals are pending. He also claims that any further UNDT proceedings without disclosure of key evidence will "cause irreparable harm and damages to [his] health".

11. On 15 November 2013, the Secretary-General filed his comments on the motion, arguing that the motion is without merit and should be denied for the same reasons that this Tribunal denied Mr. Bastet's previous motion for interim relief in Order No. 162 (2013).

12. This Tribunal ruled in Order No. 162 that Article 9(4) of the Statute did not provide a basis to grant Mr. Bastet's motion for interim relief since he was not seeking interim relief which was consistent with the Order of the Dispute Tribunal. Rather, he was seeking the exact opposite, namely a stay of the proceedings, which the UNDT had denied to him. The same reasoning for the denial of Mr. Bastet's first motion for interim relief applies to the pending motion; Article 9(4) of the Statute is