
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/037
Order No.: 266 (NBI/2016)

Introduction

1. The Applicant is serving as a Special Assistant at H34 level with the United Nations Interim Security Force in Abyei (UNISFA). He filed the current Application for suspension of action pursuant to art. 2.2 of the UNDT Statute and art. 13 of the UNDT Rules of Procedure to contest the decision to not renew his temporary appointment.

2. The Application was served on the Respondent on 24 May¹ 2016. He was given a deadline of 26 May 2016 within which to file a Reply. On the same day, the Tribunal issued Order No. 211 (NBI/2016) suspending implementation of the contested decision on an interim basis until 30 May 2016.

3. The Respondent filed his Reply on 25 May 2016.

Considerations

4. Under article 22 of the UNDT Statute and article 13 of the UNDT Rules of Procedure the Dispute Tribunal shall order a suspension of action on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage.

5. The evidence submitted by the Respondent in support of his Reply shows that the Applicant received a response to his management evaluation request on 24 May 2016.

¹ The Application for suspension of action was filed on Friday, 13 May 2016, via the Court Case Management System (CCMS) but due to network issues in the Nairobi duty station, the Registry received notification of his filing on 23 May 2016.

6. The Tribunal may only order suspension of a contested decision under article 2.2 of the UNDT Statute where management evaluation is pending. In the present case, management evaluation is no longer pending since the Applicant received a response from the Under Secretary-General for Management. Consequently, the Tribunal cannot entertain the current Application.

Order

7. The Tribunal strikes out the matter *Gitau v. The Secretary-General of the United Nations*, Case No. UNDT/NBI/2016/037

(Signed)

Judge Vinod Boolell

Dated this 30th day of May 2016

Entered in the Register on the 31st day of May 2016

(Signed)

Abena Kwakye Berko, Registrar, Nairobi