
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2019/066
OrderNo.: 087 (NBI/2019)Corr.1
Date: 28 June2019
Original: English

Before: Judge Agnieszka Klonowiecka Milart
Registry: Nairobi
Registrar: Abena Kwakye Berko

BARUD

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION
PURSUANT TO ART. 14 OF THE
UNDT RULES OF PROCEDURE

Introduction

1. The Applicant is an Administrative Assistant working with United Nations African Union Hybrid Operation in Darfur (UNAMID) based in El Fasher. She serves on a fixed term appointment at the FS-5/12.

2. On 23

8. The UnderSecretaryGeneral for Management Strategy, Policy and Compliance responded to the Applicant's request for management evaluation on 17 and 20 May 2019.

Applicant's submissions

9. The Applicant's case is that the contested decision is unlawful because it has not been established that her post has been abolished. She received an email from the UNAMID Human Resources Section (HRS), which listed the post titles subject to abolition as being "Engineering Technician, Facilities Management Assistant, Water and Sanitation Technician, Generator Technician and Electrician". Her post is clearly classified as an Administrative Assistant and yet she was included in a CRP with Facilities Management Assistants.

10. UNAMID HRS provided her with TORs of the Facilities Management Unit on 15 May 2018 and this is the sole justification for including her in a CRP with Facilities Management Assistants. She submits that she was provided with the new TORs five months prior to the CRP as a calculated move to justify her termination and this shows unlawful motive. Her placement within a CRP pool of Facilities Management Assistants represents a procedural error in the decision to terminate her appointment.

11. The Applicant considers the matter to be urgent as she is scheduled to commence her repatriation travel from the mission on 29 June 2019 and her contract will come to an end on 30 June 2019. The Applicant submits that implementation of the contested decision will cause irreparable harm to her because she will lose future career prospects with the Organization. Additionally, she is the sole source of support for her son who requires timely treatment and medicines.

Considerations

12. The application is made under art. 2.2 of the UNDT Statute and art. 4 of the UNDT Rules of Procedure, which allow the Tribunal to suspend the implementation of the impugned decision pending proceedings where the decision appears *prima facie* to be unlawful, where it is a case of particular urgency and where the implementation

Conclusion

The application is refused.

(Signed)

Judge Agnieszka Klonowicz Milart

Dated this 28th day of June 2019

Entered in the Register on the 28th day of June 2019

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi