

compensated for by a monetary award.

23. Deprivation of employment for no apparent reason constitutes irreparable moral harm that cannot be compensated by an award of damages.

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Order No.: 0

evidence that the decision was taken for unlawful reasons.

32. The changes of the Applicant's TORs had no bearing on the contested decision, nor has the Applicant demonstrated any link between the changes and the contested decision.

33. The Applicant's contentions that the deplot

the period up to 31 July 2020 which resulted in the arrangement to cover the functions during the no-cost extension period until 31 July 2020, as described above. The Regional Office will not be seeking to recruit another individual to perform the functions that remain as part of the winding down of the MADAD project and the services provided by the Finance Unit will be charged to the MADAD project through the cost recovery policy.

Urgency

36. In October 2019, at the time of the last renewal of his appointment, the Applicant was informed of the funding issues surrounding his position. Therefore, the Applicant was already on advance notice that there may be some difficulty surrounding the renewal of his appointment at that point.

37. Moreover, as accepted by the Applicant, he was formally notified of the non-renewal of his appointment on 17 January 2020, over 30 days prior to the expiry of his appointment. He filed the present application on 18 February 2020, over one month later, and just nine days prior to the expiry of his appointment. Therefore, any urgency is self-created by the Applicant. Having waited over three weeks before taking any type of action, the Applicant did not comply with his obligation to seek relief from the Dispute Tribunal without delay.

Irreparable harm

38. The Applicant has not met the above burden of demonstrating that he would be occasioned irreparable harm. He fails to specify how his career prospects will be affected by the decision not to renew his appointment. This is not a case of long service to the Organization whereby the Applicant's career prospects may be more precarious upon non-renewal of a long-standing app4ore

renewal of his appointment. If, which is denied, any damage results, it is not irreparable harm. It can be more than adequately compensated by a monetary award.

Considerations

40. The Dispute Tribunal has competence to hear and pass judgment on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the of the management evaluation, the implementation of a contested administrative decision that is subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage.¹³

41. The Dispute Tribunal is satisfied in this application that it has competence to adjudicate on this application for suspension of action because the Applicant has shown that he has filed a request for management evaluation of the contested decision.

Further the Dispute Tribunal is satisfied that the contested decision is reviewable under art.2 (1) of its statute.

42. Having satisfied itself that it has competence to hear and pass judgment on this application, the Dispute Tribunal shall consider the provisions of art.2.2 of its statute as read with art.13 of the UNDT Rules of Procedure to determine whether or not the Applicant has made out his case for the relief sought.

43. Article 13 of the UNDT Rules of Procedure provides that:

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.

¹³ Article 2.2 of the UNDT Statute.

contested decision. The Applicant has not provided any reason why he did not take immediate steps to challenge the decision. No reason is given why he had to wait until the last minute to halt its implementation. The Respondent has therefore asked the Tribunal to dismiss the application citing jurisprudence where this Tribunal placed the burden on the Applicant to show that the matter is brought in a timely manner and that the urgency is not selu

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