

Introduction

1. The Applicant filed an application on 27 December 2022 contesting a decision taken on 28 March 2022 by the Office of the Special Envoy of the Secretary-General for Yemen OSESGY not to extend his contract beyond November 2022, due to redundancy of his post of Senior Peace Building Officer after a staffing review.

2. The Applicant requested management evaluation on 21 May 2022. The management evaluation was completed and upheld the A

3. The Applicant was of the view that the review was done to achieve the effectiveness of staffing structures and profiles. The aim was to meet the objectives of the office in the fields of the economy, political engagement and security-military issues and how gender is integrated into these areas of focus. There was no indication in the staff review that its aim was at reducing posts, rather it was focused on realignment.

4. According to the Applicant there was only one consultation done with him and no further consultation was done with him or the staff union.

5. The Respondent filed a motion on 23 January 2023 which claimed that the application was not receivable and was moot because the Applicant extended on the day he filed the application.

6. The Respondent further argued that the contested decision did not take effect and had no direct consequences for the A s appointment as his contract of employment was not terminated. Further that the Applicant suffered no collateral consequences for the Tribunal to consider.

7. The Respondent therefore held the view that the application was moot since, from the date it was filed, February 2023.

8. The Respondent also argued that the decision contract superseded the earlier decision to make the A and therefore rendered the application moot.

if it only allows the Applicant to know where he truly stands professionally in the Organization.

Injurious consequences continue to flow from the challenged decision

12. The Applicant has itemized the injurious consequences that continue to flow from the decision to make his post redundant. The issue whether the abolishment

Disposal

17. The need for judicial review of the decision to abolish the A -
term-appointment is still very much alive. The application is receivable.

18. The a
receivability is therefore dismissed.

19. The Respondent is therefore ordered to file his reply to the application in 14
days, that is by close of business on 27 July 2023.

(Signed)

Judge Francis Belle

Dated this 14th day of July 2023

Entered in the Register on this 14th day of July 2023

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi