



UNITED NATIONS DISPUTE TRI

## **Introduction**

1. On 14 April 2014, the Applicant, a permanent staff member in the Publishing Section of the Department for General Assembly and Conference Management (“DGACM”), filed an application for suspension of action pending management evaluation of the decision to terminate his permanent appointment with the United Nations.

## **Background**

2. On 6 January 2014, the Applicant received notice, by letter dated 31 December 2013, that he would be separated from service within three months, following the General Assembly approval, late December 2013, of the Secretary-General’s proposed abolition of 59 posts in the Publishing Section in DGACM. On 31 January 2014, the Applicant requested management evaluation of the decision to terminate his appointment.

3. During a meeting held on 19 February 2014, the Applicant was informed of the postponement of his termination date to 20 April 2014. This decision was confirmed via email from the Executive Officer, DGACM, on 24 February 2014. On 28 February 2014, the Management Evaluation Unit (“MEU”) advised the Applicant that the extension of his appointment until 20 April 2014 “superseded the contested administrative decision” and “effectively rendered [his] request for management evaluation moot”.

4. On 24 March 2014, the Applicant filed an application on the merits before the Tribunal (Case No. UNDT/NY/2014/020) challenging the decision to abolish his post and to terminate his permanent appointment with the United Nations by the date of 20 April 2014. The Applicant contended that MEU was in error in focussing on



## **Consideration**

9. Article 2.2 of the Statute of the Dispute Tribunal states that:

The Dispute Tribunal shall be competent to hear and pass judgement 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. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

10. An application under art. 2.2 of the Statute is predicated upon an ongoing and pending management evaluation of an administrative decision that may properly be suspended by the Tribunal. The Applicant seeks the suspension of the decision to terminate his permanent appointment, initially scheduled for 31 March 2014, and now due to effectively take place on 20 April 2014. The Applicant indicates that he received the contested decision on 24 February 2014, which is in fact the date of the communication of an email from th

12. The Tribunal also observes that the Applicant's application for suspension of action pending management evaluation is misguided. The Applicant makes this application following the decision from the Tribunal in Case No. UNDT/NY/2014/020 to reject his motion for expedited hearing in respect of the decision to terminate his appointment on 20 April 2014. The decision to terminate the Applicant,

to take the view that the MEU communicated a decision on only part of his request, the Tribunal finds that whilst there is urgency behind the request it was self-created. Finally, this being a case of termination of employment the Applicant cannot rely upon art. 10.2 of the Statute and art. 14 of the Rules of Procedure.

17. The Tribunal is concerned at the manner in which these proceedings have been conducted by and on behalf of the Applicant. The request for a suspension of action, given the circumstances of the case, is arguably vexatious and in any event is wholly unreasonable. The Tribunal was minded to consider whether costs should be ordered under art. 10.6 of the Statute for abuse of process. However, it would appear