



Before: Judge Ebrahim-Carstens
Registry: New York
Registrar: Morten Albert Michelsen, Officer-in-Charge

ROCKCLIFFE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON MOTION FOR INTERIM
MEASURES**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALS/OHRM, UN Secretariat
Elizabeth Gall, ALS/OHRM, UN Secretariat

iii. That no part of the unsigned MoU would be implemented prior to endorsement by the General Assembly in its seventieth session.

3. The Registry acknowledged receipt of the application for interim measures pending the substantive proceedings on Tuesday, 10 February 2015, and served it on the Respondent directing that he file

This concession is not covered by the current MoU with OHRM.

6. The MEU found that the request for management evaluation “is not receivable, as the matters you submitted do not constitute a reviewable administrative decision affecting your contract terms as a Staff Member”. The MEU further found that the Applicant had no legal standing, as a staff member, as she did not apply for the post in question, nor had she any standing, as a staff representative to submit requests on behalf of staff members of UNJSPF.

7. It is to be recalled that on 29 December 2014, by Order No. 355 (NY/2014) in Case No. UNDT/NY/2014/075, the Dispute Tribunal dismissed the Applicant's request, pursuant to art. 2.2 of the Dispute Tribunal's Statute, for suspension of action pending management evaluation of the contested decision herein, on the grounds that the management evaluation having been completed, there was no longer any basis for the Applicant's request for suspension of action.

8. As stated above, on 9 February 2015, the Applicant filed her application on the merits and also this motion for interim measures pending proceedings.

Background Facts

9. Essentially, the Applicant is challenging the selection of a staff member following an exemption from the requirement of mobility, which is allegedly not authorised by the current MoU with respect to the United Nations Personnel Procedures applicable to the UNJSPF. The Applicant maintains that a new draft MoU has not undergone the required staff management consultations or been finalised, and the selected candidate has been promoted in contravention of the relevant administrative instruction and MoU in force at the time. The Applicant has set out a summary of the facts relied upon in the application for interim measures, which the Respondent has not denied. As the factual background to this motion was set out in Order No. 355 (NY/2014), it need not be repeated in light of the findings herein.

a temporary order made with the purpose of providing an applicant

Conclusion

17.