
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2015/045
Order No.: 158 (NY/2015)
Date: 22 July 2015
Original: English

Before: Judge Goolam Meeran

Registry: New York

Registrar: Hafida Lahiouel

AGHA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON REQUEST FOR SUSPENSION

OF ACTION

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Administrative Law Section, UN Secretariat

Introduction

1. On 20 July 2015, the Applicant, a security officer in the Department of Safety and Security (DSS) in New York, filed an undated handwritten request for suspension of action pending management evaluation. According to this request, the Applicant appears to contest the fact that his name is not included in the indefinite roster of candidates pre-approved for S-3 (senior security officer level) posts in connection with a selection exercise for eight posts associated with job opening number 15-SEC-DSS-42689-R-NEW YORK (JO 42689). This JO had a posting period of 18 June 2015 to 18 July 2015.

2. The application was accompanied by seven annexes, including a copy of a handwritten request for management evaluation dated “10-15-2015” and seeking protection of his “right to be on an indefinite roster to be considered for promotion”. The Applicant also attached a number of email communications concerning his queries on the issue of roster membership and validity as well as screen shots of his Inspira account. Of particular importance is an email from the Office of Human Resources Management (OHRM) acknowledging his status as a roster candidate for JO 42689, which reads as follows:

OFFICE OF THE CHIEF

1. SENIOR SECURITY OFFICER POSTS (S-3) HAS BEEN PUBLISHED IN INSPIRA

Please be informed that JO#15-SEC-DSS-42689-R-NEW YORK (R) for eight (8) Senior Security Officer posts (S-3) has been published in Inspira, with expiry date 18 July 2015. Kindly note that the intention is to fill these eight posts from the 2011 roster which is the valid current roster for S-3, as per OHRM. All rostered candidates who are still interested in being considered for the higher level position are required to apply. Only the rostered

You will be identified as a rostered candidate for this job opening as you were previously placed on a roster of pre-approved candidates for positions with similar functions at the same level.

request. Whether this preliminary indication is upheld when the substantive issues of fact and law are subsequently considered will depend on the evidence, arguments and submissions of p9(a)4tiess

12. The Tribunal finds that, in view of OHRM having recognized the Applicant as a roster candidate for JO 15-SEC-DSS-42689-R-NEW YORK, there is no matter for suspension or determination.

13. This request for suspension of action would appear to be based on a fundamental mistake of fact on the part of the Applicant. If the Administration considers, notwithstanding the clear and unequivocal terms of the 5 July 2015 communication from OHRM, that the communication from the “Office of the Chief” supersedes OHRM’s decision, they are to write directly to the Applicant, who will