



## **Introduction**

1. On 23 June 2016, the Applicant filed an application on the merits contesting  
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24 June 2016". The Respondent was directed to file a response by 1:00 p.m. on 29 June 2016.

6. Following email correspondence from the Applicant on 27 and 28 June 2016, the Registry, as instructed by the Judge assigned to the case, clarified, via email dated 29 June 2016, that the Applicant's document titled "Application for interim relief" was received on 23 June 2016. The Registry further stated:

In accordance with article 14 of the Rules of Procedure, a motion for suspension of action during the proceedings must be filed within the substantive case and thus you were requested by the Registry to refile the motion in case number UNDT/NY/2016/028. We appreciate your diligence in refiling the motion on 24 June 2016.

In order to clarify the acknowledgement sent on 27 June 2016, the Tribunal confirms that both the application on the merits and the "application for interim relief" were received on 23 June 2016 in two separate cases.

7. On 29 June 2016, the Respondent filed a response to the motion for interim measures.

### **Relevant background**

8. On 27 February 2015, Job Opening No. 38496 was posted for the position of Chief of Service, Strategic Information and Communication Technology Management ("Chief, SICTM") at the D-1 level. The deadline for applications was 28

asked to confirm, via return email, his continued interest in and availability for the position, which he did the same day.

11. On 15 June 2016, the Applicant was informed via email that he had not been selected for the position of Chief, SICTM, advertised through JO 41653. The Tribunal notes, however, the Applicant's statement in his motion for interim measures that he "is rostered for the vacant position ... and had previously applied for it, but has not applied to the Job Opening [number 41653] referenced" (square brackets in original).

12. On 16 June 2016, the Applicant submitted a request for management evaluation of the decision identified in para. 1 of this order.

13. On 21 June 2016, the Management Evaluation Unit completed the management evaluation and informed the Applicant that his request was not receivable.

14. By letter dated 27 June 2016, the selected candidate was offered a one-year fixed-











*Is the motion for interim measures filed in connection with a pending application on the merits?*

22. The Applicant's motion for interim measures is filed in connection with an application on the merits filed on 23 June 2016 and currently pending before the Tribunal. The first condition above is accordingly fulfilled.

*Is this a case of appointment and/or promotion under art. 10.2 of the Statute?*

23. Having reviewed the content of the Applicant's motion for interim measures, the Respondent's response, and the documents provided by both parties, the Tribunal considers that this is a case of appointment (and/or promotion) under art. 10.2 of the Statute. The first condition above is accordingly fulfilled.



