UNITED NATIONS DISPUTE TRIBUNAL

Case No.:

UNDT/NY/2023/012

Order No.:

Original:

035 (NY/2023)

Date:

28 April 2023

English

Judge Joelle Adda

**Registry:** New York

**Before:** 

**Registrar:** Isaac Endeley

#### **HANNINA**

v.

# SECRETARY-GENERAL OF THE UNITED NATIONS

#### **ORDER**

#### ON APPLICATION FOR SUSPENSION OF ACTION PENDING MANAGEMENT EVALUATION

## **Counsel for Applicant:**

Manuel Calzada

## **Counsel for Respondent:**

Halil Göksan, DAS/ALD/OHR, UN Secretariat

- 14. The Respondent states that the Applicant has failed to demonstrate any case of particular urgency with respect to her placement on ALWP. The Respondent submits that the Applicant invokes in her reasoning on urgency a mere allegation without any supporting evidence, and it does not make any reference to why this renders the matter as urgent.
- 15. Upon review of the submissions, the Tribunal finds that the Applicant has failed to demonstrate the particular urgency of this case. The Applicant has been placed on ALWP for a three-month period and the contested decision will be regularly reviewed. The Tribunal notes that the contested decision is a temporary administrative measure intended to ensure the prompt completion of the work of the Panel. There is no indicatiqp"vj cv'vj g"f gekulqp"cf xgtugn("lo r cew"vj g"Cr r rlecpvou"vgto u"qt"eqpf klqpu"qh" appointment. Vj g'Cr r rlecpvou"cmgi cvlqp"qh"o crleg'lpvgpv'qt "cuugt klqp"vj cv'vj g'eqpvguvgf" decision amounts to constructive dismissal is not supported by any evidence. At this stage, the outcome of the investigation cannot be foretold, and the process may end with a closure of the matter with no action, or it may be closed with managerial, administrative or disciplinary action.
- 16. Accordingly, the Tribunal finds that the Applicant has not established that there is a case of particular urgency in this case.

Prima facie unlawfulness and irreparable harm

17. As the Applicant has not satisfied the requirement of urgency, it is not necessary for the Tribunal to examine the two other conditions, namely *prima facie* unlawfulness and irreparable harm.

Case No. UNDT/NY/2023/012 Order No. 035 (NY/2023)