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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/039

Order No.: 124 (NY/2023)

Date: 2 November 2023

Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Isaac Endeley

HANNINA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON AN APPLICATION FOR  
SUSPENSION OF ACTION**

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**Counsel for Applicant:**

Manuel Calzada

**Counsel for Respondent:**

Halil Göksan, AS/ALD/OHR, UN Secretariat



## Consideration

### *Receivability of the application for suspension of action*

8. Wpfgt ctv. 2.2 qh vj g Fkur wq Vtkdwpctru Ucwwg cpf ctv. 13.1 qh vj g Twgu qh Procedure, the Tribunal may suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. The Dispute Tribunal can suspend the contested decision only if all three requirements have been met.

9. In the present case, the Applicant is seeking suspension of the decision to advertise a TJO for the post of CMS from 27 October to 2 November 2023. The Applicant states that the contested decision ku r tglwf lekcn vj j gt cu kv y kmecwug j gt õtgr wcvkqpcnruu, pgi cvkxg r gtegr vkp co qpi uchö, cpf vj cvher õectggt r tqur gewu y kmdg ugtkqunf chgevgf ö.

10. The Tribunal finds that the present application is not receivable as the contested decision to advertise a TJO is not an administrative decision subject to judicial review. Under art. 2(1)(c) qh vj g Fkur wq Vtkdwpctru Ucwwg, an applicant may only challenge an administrative decision alleged to be in non-compliance with her terms and conditions of employment. As held by the Appeals Tribunal in *Lee* 2014-UNAT-481, the key characteristic of an administrative decision subject to judicial review is that the decision must produce direct legal consequences affecting a staff mgo dgtu vgtu u cpf eqpf kkpq qhcr r kpo gpv.

11. In the circumstances and on the papers before it, the Tribunal is unable to eqpenwf g vj cv vj g eqpvugvf fgekukp y km ko rcev vj g Arr rdecpvu vgtu u qh employment. The Tribunal notes that the application fails to substantiate how the TJO cf xgtugn chgevu vj g Arr rdecpvu vgtu u cpf eqpf kkpq qh go r rj{o gpv. Vj g Tribunal notes in particular that the rgtkqf qh vj g VIQ eqkpekf gu y kj vj g Arr rdecpvu cdugpeg htqo

WP UO KN cpf vj g gpf qh vj g Arr rncpvu ANY R, kg., 18 Lcpwary 2024. The TJO would therefore have pq cf xgtug ghgevqp vj g Arr rncpvu vto u cpf eqpf kkpqu qh go r m{ o gpv.

12. Since the application is not receivable, the Tribunal does not have the jurisdiction to review the elements of *prima facie* unlawfulness, urgency and irreparable harm.

### **Conclusion**

13. In light of the foregoing, the present application for suspension of action is rejected as not receivable.

*(Signed)*

Judge Joelle Adda

Dated this 2<sup>nd</sup> day of November 2023

Entered in the Register on this 2<sup>nd</sup> day of November 2023

*(Signed)*

Isaac Endeley, Registrar, New York