



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2009/2

Judgment No.: UNDT/2009/001

Date: 10 July 2009

Original: English

Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: Víctor Rodríguez

TSONEVA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

None

Counsel for Respondent:

Shelly Pitterman, DHRM/UNHCR

BETWEEN:

Case No: UNDT-GVA-2009-2

TSONEVA

APPLICANT

AND

THE UNITED NATIONS HIGH
COMMISSIONER FOR REFUGIES
(UNHCR),

RESPONDENT

ORDER

1. By application, registered on 7 July 2009 under No. UNDT-GVA-2009-2, the Applicant, Senior Contracts Officer, Head of Contracts Unit, Supply Management Services, UNHCR (Geneva), requested that the implementation of the decision to re-title and re-classify her current Snr. contracts Officer P-4 be suspended during the pendency of the management evaluation.

2. Article 2.2 of the UNDT Statute, adopted by A/RES/63/253 reads as follows:

“The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage.”

3. It results from the above-cited provision that only an administrative decision may be the object of a request for suspension of action before the Tribunal.

4. In the case at hand, the procedure to be followed for a given position to be re-titled and re-classification has not been completed by the time the Applicant submitted her request to the Tribunal. Indeed, approval by the Budget Committee

is required for a proposal of this nature to be adopted. As the Applicant herself recognizes in her submission, the measure at issue is still subject to such approval.

5. Therefore, the relevant decision-making process is still ongoing and, consequently, no administrative decision has yet been made by the time the request for suspension of action was submitted to the Tribunal and considered by same.

6. In view of the foregoing, the Applicant's request must be considered to be inadmissible. Nonetheless, nothing prevents the Applicant from contesting the forthcoming decision, once the Budget Committee has pronounced itself on the proposal in question, if she deems it appropriate.

For these reasons,

IT IS DECIDED THAT

the request lodged by the Applicant is rejected.

(Signed)

Judge Jean-François Cousin

Dated this 10 day of July of 2009

Entered in the Register on this 10 day of July 2009

(Signed)

Víctor Rodríguez, Registrar, UNDT, Geneva