



**Before:** Judge Goolam Meeran

**Registry:** New York

**Registrar:** Santiago Villalpando

SEKI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

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**Counsel for Applicant:**

H. Esther Shamash, OSLA

**Counsel for Respondent:**

Marcus Joyce, ALS/OHRM, UN Secretariat

## **Introduction**

1. On 10 February 2011, the Applicant was notified that her name was removed from the list of candidates for the selection of a Senior Policy and Projects Adviser.
2. On 14 February 2011, the Applicant filed an application for suspension of action under art. 2.2 of the Statute of the Dispute Tribunal. This application was served on the Respondent on 15 February 2011.

## **Consideration**

3. Applications for suspension of action are requests for interim relief and have to be dealt with on an urgent basis. On 15 February 2011, the Tribunal requested the Respondent to respond by 12pm on Wednesday, 16 February 2011. The hearing of this application was set down for 3pm that afternoon.
4. In the early afternoon of Tuesday, 15 February 2011, the Respondent informed the Tribunal that the decision in question had been superseded by a new decision in that the Applicant's name had been restored to the list of candidates to be considered for the post of Senior Policy and Projects Adviser.
5. The statutory provisions on suspension of action together with the management evaluation procedure, which provide an opportunity for management to reconsider the decision being challenged, appear to have achieved the purpose for which they were intended. The Tribunal would encourage such positive steps by management to review and, where appropriate, rescind contested decisions, thereby avoiding the expenditure of time and costs of litigation. Furthermore, such action will help to establish and maintain respect and confidence in the formal system of administration of justice and improve decision making and accountability within the system.

6. The Applicant has sent written confirmation of the Respondent's response and has asked for leave to withdraw this suspension of action. The Tribunal has no hesitation in granting this request.

**Conclusion**

7. The application for suspension of action is hereby dismissed on withdrawal by the Applicant.

*(Signed)*

Judge Goolam Meeran

Dated this 16<sup>th</sup> day of February 2011

Entered in the Register on this 16<sup>th</sup> day of February 2011

*(Signed)*

Santiago Villalpando, Registrar, UNDT, New York