



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2010/080

Judgment No.: UNDT/2011/041

Date: 25 February 2011

Original: English

Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Santiago Villalpando

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:

Self-represented

Counsel for respondent:

Melissa Bullen, ALS/OHRM, UN Secretariat

Introduction

1. On 21 June 2010 the Applicant filed an application under art. 2.2 of the Statute of the Dispute Tribunal, in which she requested that the selection of another staff member to the position of Chief of Africa I, Coordination and Response Division (CRD), Office for the Coordination of Humanitarian Affairs, in New York, be suspended pending management evaluation. On 22 June 2010, the Respondent filed and served his reply.

2. On 23 June 2010 a hearing was held at the premises of the Dispute Tribunal in New York. At this hearing, since the Applicant was self-represented, the Tribunal guided her through the basic conditions for issuing a suspension of action under art. 2.2 of the Statute and art. 13 of the Rules of Procedure. It was obvious that the application, as filed, was incomplete and lacked the essential facts and averments to sustain a suspension of action. The Applicant then decided to withdraw her application, reserving her rights to pursue her case by filing an application on the merits if she was dissatisfied with the outcome of the management evaluation.

3. On 25 June 2010 the Tribunal issued Order No. 164 (NY/2010) on suspension of action in which it concluded out that: “[t]he applicant having withdrawn the application for suspension of action, there is no longer any matter for adjudication”. The case file, however, remained open, pending the Applicant’s possible filing of an application on the merits following management evaluation, or any further application by the Applicant.

Consideration

4. Since 25 June 2010 the Applicant has neither filed an application on the merits nor any other application with regard to this case file. Neither has she requested an extension of time to file an application. The statutory time limits for filing an application on the merits under art. 8 of the Statute of the Tribunal have therefore expired. As noted by this Tribunal in *Saab-Mekour* UNDT/2010/047 and *Monagas* UNDT/2010/074, an applicant must continue to have a legitimate interest in the maintenance of his or her proceedings, but the Applicant apparently has none. Accordingly, the proceedings shall be closed.

Conclusion

5. The case is closed.

(Signed)

Judge Ebrahim-Carstens

Dated this 25th day of February 2011

Entered in the Register on this 25th day of February 2011

(Signed)

Santiago Villalpando, Registrar, UNDT, New York