



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2010/065

Judgment No.: UNDT/2011/042

Date: 25 February 2011

Original: English

Before: Judge Marilyn J. Kaman

Registry: New York

Registrar: Santiago Villalpando

KAMANOU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for applicant:

Self-represented

Counsel for respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

Introduction

1. On 31 March 2010, the Applicant filed an application for temporary relief under art. 10.2 of the Statute and art. 14.1 of the Rules of Procedure of the Dispute Tribunal with regard to the rejection of her job application for a P-5 post. Alternatively, the Applicant requested that the contested administrative decision be suspended pending management evaluation in accordance with art. 2.2 of the Statute and art. 13 of the Rules of Procedure.

2. On 7 April 2010, a hearing was held at the premises of the Dispute Tribunal in New York, presided by Judge Adams. At this hearing, Judge Adams delivered an *ex tempore* ruling dismissing the application under art. 2.2 of the Statute (and art. 13 of the Rules of Procedure), ruling that otherwise he would not have had authority to consider her application. On 16 April 2010, Judge Adams issued Order No. 72 (NY/2010) providing the text of his ruling. 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

3. On 31 June 2010, Judge Adams left the Dispute Tribunal. His position was subsequently taken over by the sitting Tribunal, and the present case has therefore been assigned to it.

4. Since 7 April 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 the Tribunal in *Saab-Mekkour* 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 Marilyn J. Kaman

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