



Before: Judge Rowan Downing

Registry: Geneva

Registrar: René M. Vargas M.

PATKAR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON AN APPLICATION FOR
SUSPENSION OF ACTION PENDING
MANAGEMENT EVALUATION**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Kong Leong Toh, UNOPS

Introduction

1. By application filed on 6 April 2018, the Applicant, a staff member of United Nations Office for Project Services (“UNOPS”) sought the suspension of action, pending the outcome of management evaluation, of the decision to “terminate or retract her sick leave.”

2. On 6 April 2018, the Registry served the application on the Respondent, with 9 April 2018 as the deadline by which to file his reply. The Judge instructed the Respondent to refrain from taking any further action that would alter the status of the Applicant pending the determination of the application. On the same day, the Respondent filed his reply including the outcome of the management evaluation.

Consideration

3. Art. 2.2 of the Tribunal’s Statute and art. 13.1 of its Rules of Procedure provide for the Tribunal’s jurisdiction to suspend the implementation of an administrative decision “during the pendency of the management evaluation” if certain conditions are met.

4. The Respondent has issued a response to the Applicant’s request for management evaluation; consequently, the Tribunal has no jurisdiction to consider the matter further.

Conclusion

5. In view of the foregoing, the application for suspension of action is rejected.

(Signed)

Judge Rowan Downing

Dated this 9th day of April 2018

Entered in the Register on this 9th day of April 2018

(Signed)

René M. Vargas M., Registrar, Geneva