



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

TOE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:

Self-represented

Counsel for Respondent:

N/A

Introduction

1. The Applicant seeks the suspension of the decision to terminate his continuing appointment with the United Nations – African Union Hybrid Operation in Darfur (“UNAMID).

Facts

2. Since October 2003, the Applicant held diverse types of appointments with United Nations Peacekeeping Missions. On 5 September 2018, following the abolition of the post he encumbered with UNAMI, the Applicant was temporarily assigned to the United Nations Global Service Centre in Brindisi (“UNGSC”). Effective 26 September 2018, the Applicant was granted a continuing appointment.

3. The Applicant’s temporary lateral assignment from UNAMID to UNGSC was to initially last until 23 May 2019 and was further extended until 25 June 2019.

4. By letter dated 24 June 2019, the Applicant was informed of the formalities for his separation from service to be effective at close of business on 25 June 2019.

5. On 20 and 24 June 2019, the Applicant requested management evaluation of the decision to terminate his continuing appointment and that the Secretary-General suspend the implementation of the contested decision until completion of his request for management evaluation pursuant to staff rule 11.3(b)(ii). The Secretary-General granted the Applicant’s request for suspension of action on 24 June 2019, which resulted in the extension of his appointment for an additional year.

6. By letter dated 17 July 2020, the Under-Secretary-General for Management Strategy, Policy and Compliance, advised the Applicant about the outcome of his request for management evaluation, namely that she had decided to uphold the contested decision.

7. On 27 July 2020, the Applicant filed an application for suspension of action before this Tribunal.

Consideration

8. Applications for suspension of action are governed by art. 2.2 of the Tribunal's Statute and art. 13 of its Rules of Procedure. They provide that the Tribunal may 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.

9. One of the mandatory requirements that applications for suspension of action must meet is that of an ongoing management evaluation. The record shows that the Applicant received a reply to his request for management evaluation on 17 July 2020. Consequently, the Tribunal has no jurisdiction to entertain the Applicant's request for suspension of action and cannot but dismiss the related application.

10. In closing, the Tribunal underlines that the Applicant retains the right to contest the termination of his continuing appointment pursuant to staff rule 11.4(a). Noting that the Applicant is self-represented, the Tribunal encourages him to seek the assistance of the Office of the Staff Legal Assistance to obtain legal advice in relation to his claim.

Conclusion

11. In view of the foregoing, the application for suspension of action is dismissed.

(Signed)

Judge Teresa Bravo

Dated this 29th day of July 2020

Entered in the Register on this 29th day of July 2020

(Signed)

René M. Vargas M., Registrar, Geneva