



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

SHAMS

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. By application filed on 26 November 2020, the Applicant, a staff member of the United Nations Development Programme (“UNDP”) in Kabul, Afghanistan, requests suspension of the decision not to match him to a post in the new office structure.

Facts

2. On 16 December 2012, the Applicant was first appointed as Administrative Clerk (G-3 level), with UNDP in Kabul. On 1 January 2017, he was transferred to the position of Accommodation Clerk (G-2 level).

3. By letter dated 1 June 2020, the Applicant was advised that the position of Accommodation Clerk would not be retained in the new office structure. The Applicant’s fixed-term appointment, which was due to expire on 30 June 2020, was extended until 30 September 2020 to enable him to either be reviewed in the matching process or participate in the subsequent Job Fair.

4. By email dated 9 August 2020, the Applicant was advised that he had not been matched to any revised post. On 23 September 2020, the Applicant was informed that he had not been selected for any advertised post in the Job Fair. His fixed-term appointment was further extended until 30 November 2020.

5. On 29 September 2020, the Applicant requested management evaluation of the decision not to match him to the post of Cleaner (G-2 level), encumbered by another staff member.

6. By letter dated 12 November 2020, the Applicant was advised about the outcome of his request for management evaluation, namely that there was no basis to change the contested decision.

Consideration

7. Art. 2.2 of the Statute of the Dispute Tribunal and art. 13 of its Rules of Procedure, governing applications for suspension of action, provide in their relevant part 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.

8. These provisions require that an application for suspension of action be filed during the pendency of the management evaluation. In his application, the Applicant confirms having received a response to his request for management evaluation on 13 November 2020. Consequently, the Tribunal cannot but dismiss the Applicant's request for suspension of action.

9. In closing, the Tribunal underlines that the Applicant retains the right to contest the administrative decision at issue 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.

Conclusion

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

(Signed)

Judge Teresa Bravo

Dated this 30th day of November 2020

Entered in the Register on this 30th day of November 2020

(Signed)

René M. Vargas M., Registrar, Geneva