



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

RAHMANI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

AAS/ALD/OHR

## **Introduction**

1. By application filed on 25 November 2023, the Applicant, a Teams Assistant at the United Nations Assistance Mission in Afghanistan (“UNAMA”), serving a temporary appointment due to expire on 31 December 2023, requests suspension of action of the decision not to allow her to continue to telework from outside her duty station in Islamabad.

2. In response to a query by the Registry about the status of her management evaluation request, the Applicant informed by email dated 28 November 2023 that she has not requested management evaluation of the contested decision.

## **Consideration**

3. The Applicant is seeking suspension of the decision not to allow her to telework from outside the duty station until the end of her temporary appointment and, consequently, of the decision to treat her absence as unauthorized absence (without pay) should she not report to duty by 28 November 2023.

4. Art. 2.2 of the Tribunal’s Statute and art. 13 of its Rules of Procedure provide that the Tribunal shall be competent to suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. These requirements are cumulative and must all be met for a suspension of action to be granted.

5. The Tribunal recalls that a suspension of action is a remedy used to suspend the implementation of a contested decision while a request for management evaluation is still pending. It is not to be confused with a temporary injunction or any other form of judicial intervention/order granting some type of temporary relief. While common to national jurisdictions worldwide, those are remedies that are not available under the legal framework of the Dispute Tribunal.

6. By not requesting management evaluation of the contested decision, the Applicant failed to meet a necessary requirement for an application for suspension of action to be entertained.

7. As a result, the application is not receivable *ratione materiae*.

**Conclusion**

8. In view of the foregoing, the application for suspension of action pending management evaluation is rejected.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 29<sup>th</sup> day of November 2023

Entered in the Register on this 29<sup>th</sup> day of November 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva