



**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

SIRI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON AN APPLICATION FOR  
SUSPENSION OF ACTION**

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**Counsel for the Applicant:**

Alexandre Tavadian, OSLA  
Nicole Washienko, OSLA

**Counsel for the Respondent:**

Steven Dietrich, ALS/OHRM  
Alister Cumming, ALS/OHRM

## **Introduction**

1. On 24 September 2015, the Applicant, a D-2 Director of Mission Support serving with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) filed an Application before the Dispute Tribunal seeking the suspension of the decision to separate him from service on the grounds of mandatory retirement on 30 September 2015.

2. On 28 September 2015, the Respondent filed his Reply to the Application in which it was submitted that, on 25 September 2015, the Under-Secretary-General for Management informed the Applicant that the Secretary-General had upheld the contested decision.

3. The Respondent further submitted that since the management evaluation has been completed, there is no longer any basis for the Applicant's request for suspension of the implementation of the contested decision and the Dispute Tribunal does not have jurisdiction to hear the Application under art. 2.2 of the Statute of the Dispute Tribunal.

4. The Respondent annexed to his Reply the management evaluation letter dated 25 September 2015.

## **DELIBERATIONS AND ORDER**

5. Pursuant to art. 2.2 of the Statute, the Dispute Tribunal may suspend the implementation of an administrative decision during the pendency of the management evaluation.

6. The Tribunal agrees with the Respondent's submission that since the management evaluation has been completed, there is no longer any basis for the Applicant's request for suspension of the implementation of the contested decision and the Dispute Tribunal does not have jurisdiction to hear the Application under art. 2.2 of the Statute of the Dispute Tribunal.

7. The Application for Suspension of Action is accordingly **DISMISSED**.

*(Signed)*

Judge Nkemdilim Izuako

Dated this 29<sup>th</sup> day of September 2015

Entered in the Register on this 29<sup>th</sup> day of September 2015

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi