



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/026
Order No.: 181 (NBI/2016)
Date: 5 April 2016
Original: English

Before: Judge Vinod Boolell
Registry: Nairobi
Registrar: Abena Kwakye-Berko

KATAYE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:

Roland Sètondi Adjovi
Nicole Nyamai

Counsel for the Respondent:

Steven Dietrich, ALS/OHRM

Introduction

1. The Applicant is a Personal Assistant at the United Nations Interim Security Force for Abyei (UNISFA), Sudan. She filed an Application for suspension of action on 29 March 2016 contesting the decision to transfer her to the UNISFA Training Unit as an Administrative Assistant.

2. The Respondent filed a Reply to the Application on 1 April 2016. Annexed to the Reply as Annex R1 was a letter dated 30 March 2016 from the Chief Human Resources Officer, UNIFSA, to the Applicant in which she was informed that the impugned decision had been temporarily suspended pending the outcome of her request for management evaluation.

Respondent's submissions

3. The Respondent submits that a suspension of action may only be ordered in relation to an administrative decision that is the subject of an ongoing management evaluation.

4. In the present case, since UNIFSA has already suspended the impugned decision pending the outcome of her request for management evaluation the Applicant has been granted the temporary relief she has requested in paragraph 22 of her Application. As a consequence, there is no aspect of the impugned decision remaining to be adjudicated under art. 2.2 of the Dispute Tribunal's Statute.

5. In view of the foregoing, the Respondent requests that the Application for suspension of action be dismissed.

Consideration

6. Since the Respondent has, of his own volition, suspended implementation of the contested decision, there is no longer a live issue before the Tribunal.

Decision

7. The Tribunal strikes out the matter of *Kataye v. The Secretary-General of the United Nations*, Case No. UNDT/NBI/2016/026.

(Signed)

Judge Vinod Boolell

Dated this 5th day of April 2016

Entered in the Register on this 5th day of April 2016

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi