



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/127
Order No.: 193 (NBI/2018)
Date: 27 December 2018
Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

NGARWALA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:
Julia Kyung Min Lee, OSLA

Counsel for the Respondent:
Marisa MacLennan, UNHCR

Introduction

1. The Applicant is a staff member at the Amdjarass office of the United Nations High Commissioner for Refugees (UNHCR) in Chad.
2. On 21 December 2018, he filed a request for management evaluation and a request for suspension of action pursuant to article 2. 2 of the Statute of the United Nations Dispute Tribunal (UNDT) concerning a decision dated 21 November 2018 to terminate his appointment pursuant to Staff Rule 9.6(c)(i), following the reclassification of his post from Field Safety Associate (G-6) to Senior Security Assistant (G-5) and following the wrongful decision not to select him for the reclassified Senior Security Assistant post, for which he was not given a full and fair consideration.
3. The Respondent filed his reply on 27 December 2018 in which he undertook the following:
 - a. to suspend termination of the Applicant's appointment until completion of his management evaluation request;
 - b. to suspend the recruitment for the Applicant's reclassified post pending the completion of his management evaluation request; and
 - c. to extend the Applicant's appointment for three months, through 31 March 2019.

Considerations

4. The Tribunal, having taken note of the Respondent's various undertakings regarding suspension of the impugned decision and the renewal of the Applicant's appointment, considers that there is no longer a live issue before it that requires adjudication.
5. Once the Applicant receives a response to his management evaluation request, he may, if he still wishes to contest the administrative decision, file a substantive application with the Tribunal in accordance with art. 8 of the

Tribunal's Statute and its Rules of Procedures for consideration of the matter on its merits.

Order

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

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 27th day of December 2018

Entered in the Register on this 27th day of December 2018

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi