



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2019/097

Order No.: 092 (NBI/2019)

Date: 5 July 2019

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KITUNDA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:
Shuba Naik, OSLA

Counsel for the Respondent:
Rosangela Adamo, AAS/ALD/OHR

INTRODUCTION

1. The Applicant is a Disarmament Demobilisation Reintegration Assistant at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). He serves on a fixed term appointment at the GS4 level and is based in Goma.

The Application

2. On 1 July 2019, the Applicant moved, pursuant to art. 13 of the Rules of Procedure, to suspend the Respondent's decision to separate him from service upon expiry of his current contract on 12 July 2019. The Respondent's decision is based on the putative abolition, by the General Assembly, of the post encumbered by the Applicant.

3. The Application was served on the Respondent on the day it was received by the Registry, and the latter filed his Reply on 2 July 2019. The Respondent submits that the Tribunal lacks jurisdiction to consider the application because the impugned decision has already been suspended "pending management evaluation."

ORDER

4. As the Respondent has suspended implementation of the impugned decision, the Tribunal considers the application for suspension of action before it to be moot.

5. This application for suspension of action is **DISMISSED**.

(signed)

Judge Nkemdilim Izuako

Dated this 5th day of July 2019

Entered in the Register on this 5th day of July 2019

(signed)

Abena Kwakye-Berko, Registrar, Nairobi