



Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ALI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
AAS/ALD/OHR

Facts and Procedure

1. The Applicant is a former Facilities Management Assistant, working with the United Nations-African Union Hybrid Operation in Darfur (UNAMID), based in El Fasher. He served on a fixed-term appointment at the GL5 level, step 10.¹

2. On 25 June 2019, the Applicant filed an application for suspension of action pending management evaluation against decision to separate him from service on 30 June 2019. The United Nations Dispute Tribunal (UNDT) in Nairobi found that the Applicant had already missed the deadline for requesting the management evaluation, as well as the application on the merits. By Order 081 (NBI/2019), dated 27 June 2019, the Tribunal refused the application having considered that the urgency requirement as per art. 2.2 of the UNDT Statute had been forfeited.

3. In the present application dated 30 June 2019, the Applicant is requesting a revision of Order No. 081 (NBI/2019). He admits that he was aware of the deadline for requesting management evaluation. He avers, nevertheless, that the delay was due to a two-month absence of his Chief of Section from the Mission, to whom he had presented the matter first.

Considerations

4. The application appears to be made under art. 29 of the UNDT Rules of Procedure, which provides in the relevant part:

Article 29 Revision of judgements

1. Either party may apply to the Dispute Tribunal for a revision of a judgement on the basis of the discovery of a decisive fact that was, at

¹ Application, section I

the time the judgement was rendered, unknown to the Dispute Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. 2. An application for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement. 3. The application for revision will be sent to the other party, who has 30 days after receipt to submit comments to the Registrar.

5. As shown by the above, the avenue of revision applies only to UNDT judgments, i.e., where the UNDT has disposed of an application on the merits. A suspension of action is an interlocutory matter, which does not qualify for revision.

6. The present application is, therefore, not receivable.

Conclusion

The application is dismissed.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 5th July 2019

Entered in the Register on this 5th July 2019

(Signed)

Legal Officer, for,
Abena Kwakye-Berko, Registrar, Nairobi