



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2019/141  
Order No.: 146 (NBI/2019)  
Date: 25 September 2019  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

ALI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**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.<sup>1</sup>

2. On 25 June 2019, the Applicant filed an application for suspension of action pending management evaluation against a 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. On 30 June 2019, the Applicant filed an application requesting a revision of Order No. 081 (NBI/2019) on the ground that the deadline for requesting management evaluation was missed because of a two-month absence of his Chief of Section from the Mission, to whom he had presented the matter first.

4. On 2 July 2019, the Tribunal dismissed the application because 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.<sup>2</sup>

5. On 23 September 2019, the Applicant filed another application, which was registered under Case No. UNDT/NBI/2019/141 for revision of Order No. 081 (NBI/2019), which he termed as revision of a judgement. In the new application, the Applicant does not aver any new material facts different from what was contained in Case No. UNDT/NBI/2019/090 that was dismissed on 2 July 2019. In fact, whereas

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<sup>1</sup> Case No. UNDT/NBI/2019/090

<sup>2</sup> Order No. 093 (NBI/2019)

the application was filed on 23 September 2019, it is still dated 30 June 2019, being the same application the Applicant had filed under Case No. UNDT/NBI/2019/090.

### **Considerations**

6. Whereas the application was filed afresh, it does not raise any material element that would allow distinguishing it from Case No. UNDT/NBI/2019/090, which was dismissed by the Tribunal on 2 July 2019.

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

### **Conclusion**

The application is not receivable and is dismissed.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 25<sup>th</sup> September 2019

Entered in the Register on this 25<sup>th</sup> September 2019

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi