



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/003

Order No.: 016 (NBI/2021)

Date: 14 January 2021

Original: English

Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

RUGERINYANGE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON AN APPLICATION FOR
SUSPENSION OF ACTION PENDING
MANAGEMENT EVALUATION
PURSUANT TO ART. 13 OF THE
UNDT RULES OF PROCEDURE**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
UNHCR

Introduction

1. The Applicant is an Associate Energy/Environment Officer working with the United Nations High Commissioner for Refugees (“UNHCR”) in Kigali, Rwanda.¹
2. By an application filed on 12 January 2021, the Applicant seeks to suspend a decision which he terms as “withholding of his employment contract and placing him on an Administrative Leave with Full Pay (“ALWP”) beyond the duration of his contract”.²

Facts

3. On 4 September 2020, UNHCR placed the Applicant on ALWP running from 4 September 2020 until 3 December 2020, pending completion of the investigation process. The ALWP was extended from 4 December 2020 to 3 January 2021.³ On 28 December 2020, the same ALWP was extended to 3 February 2021.⁴ The Applicant avers that his contract expired on 31 December 2020.⁵
4. The Applicant declares that he did not request the management evaluation.⁶

Considerations

5. An urgent injunctive order under the UNDT Rules of Procedure brought under Art. 13 of the ROP must be of a matter pending management evaluation. In this case, the Applicant is yet to request the management evaluation of the matter he seeks to contest before the Tribunal. At the time of disposing of the present application the Tribunal has no record of a management evaluation request being filed, thus rendering the application not receivable.

¹ Application, section I

² Application, section V

³ Application, annex 1.

⁴ Application, Annex 2

⁵ Application, section VIII.

⁶ Application, section VI.

6. In an application for suspension of action, the failure to request management evaluation is a matter of law which may be considered *ex officio*, even without serving the application on the Respondent for a reply. The Tribunal sees no need to seek a reply in the current circumstances. Once the management evaluation has been properly requested, the possibility of applying for a suspension of action may be revived.

ORDER

7. This application is dismissed as not receivable.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 14th day of January 2021.

Entered in the Register on this 14th day of January 2021

(Signed)

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