



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/090  
Order No.: 231 (NBI/2021)  
Date: 20 October 2021  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

CHAWLA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**  
AAS/ALD/OHR

## **Introduction**

1. The Applicant is a staff member of the United Nations Support Office in Somalia (“UNSOS”). He filed an application on 18 October 2021 seeking suspension of the decision to not select him for the position of Chief of Service, Supply Chain Management, D-1, UNSOS (Job Opening 152801) after bypassing a technical assessment.

2. The application was transmitted to the Respondent on 19 October 2021 in accordance with art. 13.2 of the UNDT Rules of Procedure.

## **Facts**

3. On 26 August 2021, the Applicant requested management evaluation and filed an application for suspension of action with the Tribunal to suspend implementation of the decision not to shortlist him for the Competency Based Interview (“CBI”) for Job Opening 152801.

4. On 3 September 2021, the Tribunal granted the Applicant’s application for suspension of action pending management evaluation.<sup>1</sup> On 8 September 2021, the Management Evaluation Unit (“MEU”) informed the Applicant that his 26 August 2021 request for management evaluation was moot because UNSOS had, *inter alia*, decided to invite the Applicant for the CBI.

5. The Applicant participated in the CBI on 23 September 2021.

6. On 18 October 2021, the Director of Administration (“DOA”) of UNSOS informed the Applicant of the decision not to select him for Job Opening 152801.

## **Considerations**

7. The Tribunal finds that this application for suspension of action is not

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<sup>1</sup> Order No. 179 (NBI/2021).

receivable. Applications filed pursuant to arts. 2.2 of the UNDT Statute and 13.1 of the Rules of Procedure must be predicated on a pending management evaluation. While the Applicant sought management evaluation of the decision to not invite him for the CBI, he did not request management evaluation of the non-selection decision after he was invited for the CBI. Noting that these are two separate and discrete decisions, the Applicant cannot substitute his management evaluation request of 26 August 2021 for a non-selection decision that was taken on 18 October 2021.

8. Since the application is not receivable, the Tribunal will not consider the elements of *prima facie* lawfulness, urgency and irreparable harm.

**ORDER**

9. The application for suspension of action is refused.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 20<sup>th</sup> day of October 2021

Entered in the Register on this 20<sup>th</sup> day of October 2021

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi