



**Before:** Judge Margaret Tibulya

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

SIDDIQUE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for the Applicant:**

Marcos Zunino, OSLA

**Counsel for the Respondent:**

Nicole Wynn, ALS/ALD/OHR, UN Secretariat

Fatuma Mninde-Silungwe, ALS/ALD/OHR, UN Secretariat

## **Introduction**

1. On 30 June 2022, the Applicant filed an application requesting urgent relief under art. 2.2 of the Dispute Tribunal's Statute and art. 13 of its Rules of Procedure seeking to suspend, pending management evaluation, the decision to not renew his appointment.<sup>1</sup>
2. Together with the application for suspension of action, the Applicant also filed a motion for suspension of the contested decision during the pendency of the Tribunal's consideration of this application (a so-called *Villamorán*-type request).
3. On the same day, 30 June 2022, the Tribunal issued Order No. 060 (NY/2022) and instructed the Respondent to not undertake any further steps regarding the contested decision.
4. The Application for suspension of action was served on the Respondent on 1 July 2022, who filed his reply on 4 July 2022.

## **Considerations**

5. Under art. 2.2 of the Dispute Tribunal's Statute, a preliminary condition for suspension of action is the existence of a reviewable administrative decision directly affecting staff member's terms of appointment.
6. In the present case, the Respondent advises the Tribunal that the Applicant's appointment has been extended for three months pending completion of his 2020-2021 performance evaluation. The Respondent has further provided a copy of the Applicant's Personnel Action as proof indicating that the Applicant's appointment has been extended until 30 September 2022.<sup>2</sup>

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<sup>1</sup> Application, section II.

<sup>2</sup> Reply, annex 1.

7. It follows, from the above, that the application for suspension of action pending management evaluation before this Tribunal has become moot.

**ORDER**

8. The application is rejected as moot because the Applicant has been granted the relief he seeks before the Tribunal.

*(Signed)*

Judge Margaret Tibulya

Dated this 5<sup>th</sup> day of July 2022

Entered in the Register on this 5<sup>th</sup> day of July 2022

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi