



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

VIRANI

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:
Jacqueline Lule, OSLA

Counsel for the Respondent:
Nicole Wynn, ALD/AS/OHR, UN Secretariat
Maureen Munyolo, ALD/AS/OHR, UN Secretariat

Introduction

1. The Applicant is a Judicial Affairs Officer, working with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”).¹ She serves on a fixed term appointment (“FTA”) at the P-4 step VI level.²
2. On 11 November 2022, she filed an application for suspension of action pending management evaluation before the United Nations Dispute Tribunal in Nairobi. She seeks suspension of the decision by MINUSCA dated 12 October 2022 to not renew her FTA beyond 15 November 2022.³
3. Together with the application for suspension of action, the Applicant also submitted a request for suspension of the contested decision during the pendency of the Tribunal’s consideration of this application (a so-called *Villamorán*-type request).⁴
4. On 14 November 2022, the application was served on the Respondent, who filed his reply on 15 November 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 a period of one year. 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 15 November 2023.⁵ The Applicant

¹ Application, section I.

² *Ibid.*

³ *Ibid.*, section II.

⁴ Application, para. 45.

⁵ Reply, annex 1.

has equally filed a motion for leave to withdraw the application, confirming that her appointment has been renewed to 15 November 2023.⁶

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 she seeks before the Tribunal.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 15th day of November 2022

Entered in the Register on this 15th day of November 2022

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi

⁶ Applicant's motion for leave to withdraw the application for suspension of action, filed on 15 November 2022.