



**Before:** Judge Solomon Areda Waktolla  
**Registry:** Nairobi  
**Registrar:** René M. Vargas M., Officer-in-Charge

MELKA

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 Applicant:**

Self-represented

**Counsel for Respondent:**

Lucienne Pierre, AS/ALD/OHR/UN Secretariat  
Tamal Mandal, AS/ALD/OHR/UN Secretariat

## **Introduction**

1. The Applicant is a P-3 Gender Affairs Officer at the United Nations Mission in South Sudan (“UNMISS”). She holds a continuing appointment and is based in Juba.
2. On 9 August 2024, the Applicant filed an application for suspension of action with the Dispute Tribunal sitting in Nairobi to stay the selection exercise for Job Opening No. 207311, which is a P-4 Gender Affairs Officer position at the Mission she currently serves in.
3. The application was served on the Respondent, who filed his reply on 12 August 2024.

## **Facts and submissions**

4. The Applicant applied for the position on 25 April 2023.
5. On 5 July 2023, she was shortlisted and invited to sit the written assessment, which she did on 1 August 2023.
6. On 31 July 2024, the Applicant was verbally informed that interviews for the position had been scheduled for the day after, and that she was not among the six candidates scheduled to be interviewed.
7. On 8 August 2024, the Applicant requested management evaluation of the decision to exclude her from the interview process.
8. It is the Applicant’s case that the decision to exclude her from the interview process is tainted by extraneous factors.
9. The Respondent moved the Tribunal to dismiss the application as not receivable. The Respondent submits that the Tribunal has no jurisdiction to consider the application because the recruitment process is ongoing, and only final administrative decisions can be subject to challenge before the Dispute Tribunal.

## **Consideration**

### *Receivability*

10. In order to be receivable, the application must challenge a final administrative decision. “Preparatory or intermediate decisions are not reviewable”. *O’Brien* 2022-UNAT-1313, para. 24.

11. In this case, the Applicant challenges the decision not to invite her for an interview, which is “just the next preparatory step to the final selection decision”. *Temsah* Order No. 070 (NBI/2024).

12. Only a decision taken at the end of the selection exercise with direct legal consequences for the Applicant would constitute an administrative decision subjected to review. *Avramoski* 2020-UNAT-987, para. 39; *Faye* 2016-UNAT-657, para. 30; *Nguyen Kropp & Postica* 2015-UNAT-509, para. 33; *Lee* 2014-UNAT-481, paras. 48-49; *Ngokeng* 2014-UNAT-460, para. 27; *Ishak* 2011-UNAT-152, para. 29; *Andati-Amwayi* 2010-UNAT-058, para. 17.

13. The application is therefore materially not receivable.

## **Conclusion**

14. In view of the foregoing, it is ORDERED THAT the application for suspension of action pending management evaluation is denied.

*(Signed)*

Judge Solomon Areda Waktolla  
Dated this 16<sup>th</sup> day of August 2024

Entered in the Register on this 16<sup>th</sup> day of August 2024

*(Signed)*

René M. Vargas M., Officer-in-Charge, Nairobi