



Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

GABSI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for Applicant:

Giulia Stella, OSLA
Robbie Leighton, OSLA

Counsel for Respondent:

Esther Shamash, UNDP

Introduction

1. On 5 December 2024, the Applicant filed an application for suspension of action, pending management evaluation, of the decision not to renew his fixed – term appointment beyond 31 December 2024.

2. The Respondent filed a reply on 9 December 2024. The Respondent submits that, on 9 December 2024, the United Nations Development Programme (“UNDP”) granted the Applicant’s request for suspension of action pending management evaluation and notified him that his fixed-term appointment had been extended until 20 January 2025. The Respondent further submits that the application for suspension of action has therefore been rendered moot.

Consideration

3. In *Da Silveira* UNDT/2019/114 para. 17, the Tribunal (citing *Kallon* 2017-UNAT-742 para. 44) held that,

a judicial decision will be moot if any remedy issued would have no concrete effect because it would be purely academic or events subsequent to joining issue have deprived the proposed resolution of the dispute of practical significance; thus placing the matter beyond the law, there no longer being an actual controversy between the parties or the possibility of any ruling having an actual, real effect. Therefore, the doctrine of mootness recognizes that when a matter is resolved before judgment, judicial economy dictates that the courts abjure decision.

4. This principle applies in the present case because the remedy pleaded by the Applicant, suspension of action pending management evaluation, has been granted by the Respondent.

IT IS ORDERED THAT

5. The application for suspension of action pending management evaluation is dismissed as moot.

(Signed)

Judge Sean Wallace

Dated this 10th day of December 2024

Case No. UNDT/NBI/2024/073

Order No. 162 (NBI/2024)

Entered in the Register on this 10th day of December 2024

(Signed)

Wanda L. Carter, Registrar, Nairobi