



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/038
Order No.: 63 (NBI/2025)
Date: 24 April 2025
Original: English

Before: Judge Margaret Tibulya

Registry: Nairobi

Registrar: Wanda L. Carter

LWANDA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:

Laurence Fauth

Counsel for the Respondent:

Halil Göksan, AS/ALD/OHR/UN Secretariat

Introduction

1. The Applicant is a Senior Development Coordination Officer and Resident Coordination Office Team Leader, working with the Resident Coordinator System, the United Nations Development Programme, based in Gambia.
2. By an application filed on 15 April 2025, the Applicant seeks to suspend a decision that he describes as “20-day extension of appointment”.
3. On 17 April 2025, the application for suspension of action was served on the Respondent who was instructed to file his reply by 23 April 2025.
4. By email dated 18 April 2025, the Applicant’s Counsel informed the Tribunal that his client had received a notice informing him that his [Applicant] appointment would be extended through 30 June 2025.
5. On 23 April 2025, the Respondent filed his reply.

Consideration

6. Art. 2.2 of the Tribunal’s Statute provides in its relevant part that:

The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears *prima facie* to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage.

7. In his reply, the Respondent informs the Tribunal that he voluntarily decided to extend the Applicant’s appointment through 30 June 2025. As an annex to the reply, the Respondent provided a copy of the Applicant’s Personnel Action, indicating that his appointment has been extended to 30 June 2025.
8. Accordingly, the Applicant’s request for suspension of the implementation of the contested administrative decision has become moot. It is, therefore, not necessary for the Tribunal to examine if the three statutory requirements specified

in art. 2.2 of its Statute, namely *prima facie* unlawfulness, urgency and irreparable damage, are met in the case at hand.

Conclusion

9. In view of the foregoing, this application for suspension of action is moot. There is no need to further determine the Applicant's request.

(Signed)

Judge Margaret Tibulya

Dated this 24th day of April 2025

Entered in the Register on this 24th day of April 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi