



**Before:** Judge Ebrahim-Carstens  
**Registry:** New York  
**Registrar:** Faiza Zouakri, Officer-in-Charge

SINGH

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON APPLICATION FOR  
SUSPENSION OF ACTION**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
ALS

1. On 2 March 2015, the Applicant, a D-1 level Deputy Director for Risk and Compliance in the United Nations Joint Staff Pension Fund (“UNJSPF”), in New York, filed an application for suspension of action pending management evaluation. The Applicant contests the job opening for a D-2 position posted on the United Nations electronic system, Inspira, on the grounds that, *inter alia*, it is discriminatory as the required American commercial certification favours American males at the expense of candidates from other member states, and is contrary to the General Assembly Resolution requiring consultation with the UNJSPF Investment Committee and Chief Executive Officer.

2. Article 2.2 of the Dispute Tribunal’s Statute states (emphasis added):

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. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

3. The Tribunal can suspend the implementation of a contested decision only if all three requirements of art. 2.2 of its Statute are met. Furthermore, the suspension of action of a challenged decision under art. 2.2 of the Dispute Tribunal’s Statute is particularly predicated upon a pending management evaluation. Management evaluation of the contested decision must therefore have been duly requested and must be ongoing (*Igbinedion* 2011-UNAT-159, *Benchebbak* 2012-UNAT-256). The parties approaching the Tribunal for such relief must do so in full compliance with art. 2.2 of the Dispute Tribunal’s Statute and an application may well stand or fall on its founding papers.

4. The Applicant states that he has not requested management evaluation of the contested decision. Consequently, there being no pending management evaluation, the application for suspension of action is fatally defective and stands to be dismissed.

**Order**

5. The present application for suspension of action is dismissed.

*(Signed)*

Judge Ebrahim-Carstens

Dated this 3<sup>rd</sup> day of March 2015