



Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Hafida Lahiouel

CABAL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON WITHDRAWAL OF AN
APPLICATION FOR SUSPENSION OF
ACTION**

Counsel for Applicant:

Mariam Munang, OSLA
Daniel Trup, OSLA

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

Introduction

1. On 3 June 2016, the Applicant, a Human Resources Assistant at the United Nations Economic Commission for Latin America and the Caribbean (“ECLAC”), Santiago, Chile, filed a document titled “Application for suspension of action pursuant to article 13 of the Rules of Procedure of the United Nations Dispute Tribunal and Motion pursuant to articles 19 and 36 of the UNDT Rules of Procedure (Villamoran)”. The Applicant requested the Tribunal to order the suspension, pending management evaluation, of the implementation of the administrative decision not to renew her contract, which is due to expire on 30 June 2016. The application for suspension of action also included a motion requesting the Tribunal to “order the suspension of the contested decision pending the Article 13 suspension of action proceedings”.

2. On the same day, the case was assigned to the undersigned Judge and the New York Registry of the Dispute Tribunal transmitted the Applicant’s filing to the Respondent, stating:

Further to Judge Greceanu’s instructions, the Respondent shall submit his response to the Applicant’s motion pursuant to arts. 19 and 36 of the Rules of Procedure by **1:00 p.m. on Monday, 6 June 2016**, and his reply to the application for suspension of action by **5:00 p.m. on Wednesday, 8 June 2016**.

3. On 6 June 2016, the Respondent filed his response to the Applicant’s motion.

4. By Order No. 132 (NY/2016) dated 7 June 2016, the Tribunal dismissed the Applicant’s motion.

5. By email from the Chief, Human Resources Section, ECLAC, dated 7 June 2016, the Applicant was informed as follows (emphasis in original):

In connection with your application for suspension of action filed with the United Nations Dispute Tribunal dated 3 June 2016, please be advised that the United Nations Economic Commission for Latin

America and the Caribbean agrees not to implement the decision of non-renewal of your appointment pending completion of management evaluation, which you had filed the same day, 3 June 2016.

6. On 8 June 2016, the Respondent filed his reply to the application for suspension of action, requesting the Tribunal to dismiss the application in view of the notification of 7 June 2016 provided to the Applicant. The Respondent submitted that, since the Applicant has been provided with the relief she sought, there is no matter before the Dispute Tribunal requiring adjudication. Accordingly, the application for suspension of action should be rejected.

7. On the same day, the Applicant filed a “Request for withdrawal of suspension of action” stating that she “seeks withdrawal of her request for suspension of action at this time”.

8. The Applicant having requested the withdrawal of her application for suspension of action, there is no longer any determination for the Tribunal to make.

9. In light of the foregoing,

IT IS ORDERED THAT:

10. The Applicant’s request to withdraw the application for suspension of action is noted by the Tribunal and Case No. UNDT/NY/2016/021 is hereby closed.

(Signed)

Judge Alessandra Greceanu

Dated this 8th day of June 2016