



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

ELBAGHIR OSMAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON SUSPENSION OF ACTION

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Elizabeth Gall, AAS/ALD/OHR, UN Secretariat

Introduction

1. On Sunday, 27 January 2019, the Applicant, a Senior Reviser at the P-5 level, step 7, with a permanent appointment working with the Department for General Assembly and Conference Management (“DGACM”), filed an application under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure seeking to suspend the decision, pending management evaluation, to terminate his permanent appointment on 31 January 2019 at the close of business.

2. On 28 January 2019, the Registry acknowledged receipt of the application for suspension of action and served it on the Respondent, directing him, upon the instructions of the undersigned Judge, to file a reply by 3:00 p.m. on 30 January 2019.

3. By Order No. 19 (NY/201) dated 28 January 2019, considering that the Applicant’s appointment was due to be terminated before the deadline for its consideration of the present application, the Tribunal ordered that, without prejudice to its determination of the application for suspension of action under art. 2.2 of its Statute, the implementation of the contested decision was suspended until the Tribunal had rendered its decision on this application, or until further order.

4. On 30 January 2019, the Respondent duly filed his reply in which he, *inter alia*, states that,

... The Respondent is informed that DGACM has agreed to suspend the implementation of the contested decision until the management evaluation process is completed. The Applicant has been informed accordingly [reference to annex omitted].

... The Application for suspension of action is moot. The status quo will be maintained between the parties pending the outcome of the management evaluation process. The Applicant has already been granted the relief requested in his Application.

Consideration

5. In accordance with art. 2.2 of the Dispute Tribunal's Statute, and as also reflected in art. 13 of its Rules of Procedure, 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 ...

6. As the Respondent informs that the Administration has now decided to suspend the contested termination decision during the pendency of the management evaluation process, the purpose of the present application for suspension of action has been rendered moot. The application is therefore to be rejected.

IT IS ORDERED THAT:

7. The application is rejected.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 30th day of January 2019