



**Before:** Judge Alexander W. Hunter, Jr.

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

MAHARAJ

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON AN APPLICATION FOR  
SUSPENSION OF ACTION**

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**Counsel for Applicant:**  
Daniel Trup, OSLA

**Counsel for Respondent:**  
Angela Arroyo, UNDP

## **Introduction**

1. On 15 April 2019, the Applicant, a staff member with the United Nations Development Programme (“UNDP”) filed an application for suspension of action pursuant to art. 13 of the Dispute Tribunal’s Rules of Procedure, contesting the decision of the Administration to terminate his permanent appointment on 24 April 2019, following abolition of his post, without having made good faith efforts to assist him in finding an alternative position.

2. On 17 April 2019, the Respondent filed his reply, submitting that the application was moot because the Administration had granted the Applicant the requested suspension of action and requesting that it be dismissed.

## **Consideration**

3. 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 ...

4. The Tribunal notes that on 5 March 2019, the Applicant, who had been placed in a “Transition Pool” effective 1 September 2017 following the abolition of his post, was informed that he needed to secure an assignment with UNDP prior to 24 April 2019. He was further informed that, should he not find an assignment by that date, he would be separated on 24 April 2019.

5. On 16 April 2019, the Officer-in-Charge, Office of Human Resources of UNDP, sent an email to the Applicant informing him that:

... UNDP is in the process of reviewing and finalizing standard operating procedures that will be applicable to staff members similarly

situated to you. In order to ensure fair and consistent treatment, we have decided to allow [the Applicant] the opportunity to benefit from those procedures, notwithstanding the end of [the Applicant's] tenure in the transition pool. As a result and in accordance with changes envisaged, [the Applicant is] now being afforded a 60-day Search Period for the purpose of enabling UNDP a final opportunity to assist you with securing a new assignment. Please be informed that, as a result of the foregoing, UNDP is withdrawing the reference in the 5 March 2019 message that UNDP would proceed with [the Applicant's] separation upon the end of [the Applicant's] tenure in the transition pool. ...

6. As the Respondent informs that the Administration has now decided to withdraw the contested decision to terminate the Applicant's appointment on 24 April 2019, 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 22<sup>nd</sup> day of April 2019