



**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Jean-Pelé Fomété

HUSSEIN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**RULING ON AN APPLICATION FOR  
STAY OF PROCEEDINGS PURSUANT  
TO  
ARTICLE 19 OF THE RULES OF  
PROCEDURE**

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**Counsel for Applicant:**

Katya Melliush, OSLA

**Counsel for Respondent:**

Joerg Weich, HRMS/UNON

## **1.0 FACTS**

1.1. The Applicant is a staff member of the United Nations Office at Nairobi (UNON) in the Procurement Travel and Shipping Section. On 28 April 2009 she filed an appeal before the Nairobi Joint Appeals Board (JAB) contesting the administrative decision made by Ms. Diana Mills-Aryee (Chief Procurement Officer) and communicated to the Applicant on 6 October 2008 through Annex 1(b) to the Applicant's Statement of Appeal.

1.2. The contested administrative decision had discontinued the Applicant's Special Post Allowance (SPA), cancelled the recruitment process that was underway in respect of vacancy announcement no. 8-PRO-UNON-417625-R-NAIROBI on post no. UNA028G03400EL-L0017 and re-launched the vacancy announcement for the post. The cancellation was done at a time when the Applicant had been interviewed for the post and the Programme Case Officer was to forward a recommendation in which the Applicant was rated first to the Central Review Panel (CRP).

1.3. The Applicant had been interviewed for the post and the Programme Case Officer was to forward a recommendation in which the Applicant was rated first to the Central Review Panel (CRP).

1.5. On 20 August 2009, the Applicant was invited to attend an interview scheduled to take place on 26 August 2009 but later rescheduled for 31 August 2009 in respect of the re-launched vacancy announcement to which she had applied.

1.6. The Applicant has now brought this application pursuant to article 19 of the Rules of Procedure of the United Nations Dispute Tribunal praying the Tribunal to stay proceedings in her case pending the outcome of the on-going recruitment process to the vacant post.

## **2.0. APPLICANT'S SUBMISSIONS**

2.1. The Applicant in support of her application for stay of proceedings submits that:

- (1) *"....Since the filing of the original appeal, the Applicant's request for review of the decision regarding her SPA has been rendered moot; thus the outstanding issues before the Tribunal are solely in regard to the vacant post."*
- (2)

(b) Leave be granted her to have the matter reinstated at a later date

with an earlier order of the Tribunal dated 24 August 2009 granting her an

**ORDERS**

(a) Application is refused.

(b) Case No. UNDT/NBI/2009/10 is struck out.

*(Signed)*

Judge Nkemdilim Izuako

Dated this 17<sup>th</sup> day of September 2009

Entered in the Register on this 17<sup>th</sup> day of September 2009

*(Signed)*

Jean-Pelé Fomété, Registrar, UNDT, Nairobi