

Introduction

1. On 8 October 2012 the Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), filed an application for suspension of action, whereby he challenges the internal memorandum IOM/FOM No. 079-80/2012 (Special measures for reduction in international professional workforce as a result of the 2013 Annual Programme Review), explaining that it is likely to result in his separation from service.

Facts

2. The Applicant holds the post of First Officer at grade P-4, under an indefinite appointment.

3. On 29 August 2012, the United Nations High Commissioner for Refugees (“High Commissioner”) promulgated IOM/079-FOM/80/2012 which introduces new measures to reduce costs. The memorandum provides, inter alia, that the indefinite appointments of international professional staff members whose posts are slated for discontinuation and who have been on full pay status but without an assignment for nine or more consecutive months will be subject to termination unless these staff members are selected for any vacant post advertised in or before September 2012.

4. The Applicant filed the application which forms the subject of the present Judgment on 8 October 2012.

5. On 9 October 2012, the Registry of the Tribunal in Geneva requested the Applicant to submit copies of the contested decision and of his request for management evaluation. Also on 9 October 2012, an Officer of the Registry left a voice mail message at the Applicant’s home phone number, asking him to submit copies of the requested documents in order for the

7. By Order No. 148 (GVA/2012) also issued on 11 October 2012, the Applicant was instructed to provide a copy of the contested decision and of his request for management evaluation by 12 October 2012. The Applicant did not

exceeds any harm to his future employment, and monetary compensation alone would not do justice to him;

j. As the holder of an indefinite appointment, which is akin to a permanent appointment, he had great expectation that he would pursue and finish out his career with UNHCR.

Consideration

9. In his application, the Applicant did not identify the provisions under which he was seeking suspension of action.

10. Both article 2.2 and article 10.2 of the Tribunal's Statute allow a staff member to seek urgent relief, including suspension of action on a contested administrative decision.

Consideration under article 2DT 6 . 9 6 0 2 2 1 (S) - + e 8 9 2 9 5 4 (e) 6 . 8 4 E e 8 9 2 9 5 4 (e) 6 . 8

14. In Atogo UNDT/2010/048 the Tribunal considered:

A party to a proceeding has a duty to comply with an order of the Tribunal and particularly an interlocutory case management order pursuant to Article 19. To persist in disobeying such orders despite full explanations being provided as to their purpose will risk the claim or the response, as the case may be, being struck out.

15. The Applicant's failure to comply with the Tribunal's order must therefore result in his application being rejected.

16. The above notwithstanding, the Applicant's failure to act diligently in pursuing the matter also casts doubts that the application meets the requirement of particular urgency.

Conclusion

20. In view of the foregoing and pursuant to article 9 of the Tribunal's Rules of Procedure, the application for suspension of action is rejected.

(Signed)

Judge Jean-François Cousin (“-p-Yp“