

Case No. UNDT/NY/2010/065

Order No. 72 (NY/2010)

applicant seeks order to suspend the conduct of interviews, pending the outcome of the management evaluation.

5. The applicant has also relied, in seeking the exception, upon a reclassification of her present post, acknowledging that it involves the responsibilities of a P-5. She has been informed that the classification process is complete but despite being told that she would receive an official communication as to its outcome some three weeks ago, it has not yet been given to her at the time of the hearing.

Consideration

6. In order to satisfy the requirements of art 2.2 of the Statute, giving jurisdiction to suspend implementation of a contested administrative decision during the pendency of the management evaluation to which it is subject, it is necessary, first of all, that there be an administrative decision. Then the administrative decision must be prima facie unlawful, the case must require particular urgency, and its implementation must cause irreparable damage.

7. Assuming for present purposes that the contested administrative decision is that she has not yet received the excepti

9. Moreover, the applicant cannot show that the implementation of the administrative decision would cause irreparable damage. A failure to obtain promotion will almost always be capable of being compensated by money payment and there is no reason to infer that this could not occur in the present case.

10. For these reason, the application for the suspension is refused.

(Signed)

Judge Adams