



Case No.: UNDT/NY/2012/003
Order No.: 78 (NY/2013)
Date: 28 March 2013

Introduction and background

1. On 27 January 2012, the Applicant, a staff member in the Arabic Translation Service (“ATS”), Department for General Assembly and Conference Management (“DGACM”), filed an application contesting the decision to extend his initial two-year probationary appointment by one year.

2. On 20 March 2013, pursuant to art. 2.2 of the Statute of the Dispute Tribunal and art. 13 of its Rules of Procedure, the Applicant filed an application for suspension of action, pending the completion of his request for management evaluation, of the decision to separate him from service following the decision not to grant him a permanent appointment upon the completion of his probationary employment period. This separate action was assigned Case No. UNDT/NY/2013/016. By Order No. 76 (NY/2013) dated 26 March 2013, the Tribunal ordered the suspension, during the pendency of the management evaluation, of the decision to separate the Applicant from service on 31 March 2013.

3. On 25 March 2013, within the scope of the present case, the Applicant filed an application for interim relief pursuant to art. 10.2 of the Statute of the Dispute Tribunal and art. 14 of its Rules of Procedure whereby he requests the suspension of the decision to separate him from service following him not being granted a permanent appointment. Namely, the decision already dealt with by Order No. 76 (NY/2013).

Consideration

4. The present motion for interim relief was filed in accordance with art. 10.2 of the Statute of the Dispute Tribunal and art. 14 of its Rules of Procedure. Prior to considering whether the Tribunal can suspend the impugned decision, the Tribunal has to determine the scope of the case presently before it and therefore what the actual contested decision is (see *Planas* 2010-UNAT-049 and *O’Neill* 2011-UNAT-182).

