



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2012/012  
UNDT/NY/2013/015  
UNDT/NY/2013/096  
Order No.: 102 (NY/2014)  
Date: 29 April 2014  
Original: English

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the date of the present Order”. In para. 46 of Order No. 94 (NY/2014), the Tribunal also directed that the Respondent “shall ensure that all appropriate benefits and entitlements lawfully due to the Applicant be duly processed”.

5. On 25 April 2014, Counsel for the Applicant filed a submission entitled “Applicant’s urgent request for reconsideration of discharge of interim measures”. She states that, at 7:34 p.m. on 24 April 2014, the Applicant received an email from UNDP with a letter stating that her permanent appointment was terminated effective immediately. Counsel for the Applicant submits that this is in violation of staff rule 9.7(a), which provides that “a staff member whose continuing appointment is to be terminated shall be given not less than three months’ written notice of such termination”. The Applicant states that upon the discharge of the interim measures she should have been placed

and her separation was effected. The Respondent submits that in light of the discharge of the interim measures the separation of the Applicant has now been implemented and is not amenable to suspension. Further, as mentioned in Order No. 94 (NY/2014), the Applicant is entitled to after-service health insurance. The Respondent submits that, following Order No. 94 (NY/2014), despite her earlier assertions that she was ill and required proceedings to be suspended, the Applicant was actively communicating with UNDP and the United Nations Medical Services on 24 and 25 April 2014 regarding her status and the status of her sick leave request, which has not been certified. The Respondent submits that he is “considering the appropriate application to the Tribunal to reflect what appears, on the face of it, to be an advertent and sustained attempt to subvert the jurisdiction of the Tribunal”. The Respondent states that he “notes at this stage that bad faith and a failure to diligently prosecute a case might justify the striking out of a claim”.

### **Consideration**

7. The interim measure in Case No. UNDT/NY/2013/096—suspension of the decision to end the Applicant’s search period and to separate her from service—was granted on 30 July 2013 (Order No. 181 (NY/2013)) and extended on 6 September 2013 (Order No. 223 (NY/2013)) and 7 November 2013 (Order No. 292 (NY/2013)). The interim measure was discharged in a fully reasoned order on 24 April 2014 (Order No. 94 (NY/2014)).

8. Following the discharge of interim relief, UNDP proceeded to separate the Applicant. On 24 April 2014, the Respondent informed the Applicant in writing that her appointment was terminated and she was separated from the Organization with immediate effect. The Respondent also stated in the letter dated 25 April 2014 that UNDP “will ensure that [her] outstanding benefits and entitlements are processed with all due speed”, in compliance with the Tribunal’s direction in Order No. 94.

9. Having reviewed the parties' submissions, the Tribunal finds that there is no basis in law or in fact to revisit, reconsider, or revise the matter.

10. The Tribunal notes that, in her submission of 25 April 2014, Counsel for the Applicant fails to properly quote the relevant part of Order No. 181 on interim measures. Order No. 181 suspended "the decision to end the Applicant's search period and *to separate her from service*" (emphasis added), whereas Counsel for the Applicant states that Order No. 181 suspended "the implementation of the decision to end the Applicant's search period", omitting to mention that it also phasis adTère is no