



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/099
Order No.: 229 (NY/2017)
Date: 12 October 2017
Original: English

Before: Judge Ebrahim-Carstens
Registry: New York
Registrar: Morten Albert Michelsen, Officer-in-Charge

DEBELKJOVIC

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON SUSPENSION OF ACTION

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alister Cumming, ALS/OHRM

Introduction

1. On Thursday, 12 October 2017, the Applicant, a Claims and Property Survey Assistant, at FS-5 level, step 8, in the Property Management Section, Property Survey Unit, with the United Nations Stabilization Mission in Haiti, filed an application under article 2.2 of its Rules of Procedure seeking to suspend, pending management evaluation, the termination of her continuing appointment. The Applicant states that, in 2014, she was converted from a fixed-term to a continuing appointment expiring in 2039, but that on 10 October 2017, she received short notice of her termination effective 15 October 2017.

2. In her application for suspension of the contested decision pending management evaluation, the Applicant also requested that the decision be suspended pending the Tribunal's decision. The Tribunal's decision was to suspend the Applicant's appointment pending management evaluation.

action may not be granted (*Gandolfo* Order No. 101 (NY/2013)), save where the implementation of the decision is of an ongoing nature (see, for example, *Calvani* UNDT/2009/092; *Hassanin* Order No. 83 (NY/2011); *Adundo et al* Order No. 8 (NY/2013); *Gallieny* Order No. 60 (NY/2014)).

6. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal,

í The Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

7. Article 36.1 of the Rules of Procedure provides that:

í All matters that are not expressly provided for in the rules of procedure shall be dealt with by decision of the Dispute Tribunal on the particular case, by virtue of the powers conferred on it by article 7 of its statute.

8. Pursuant to art. 13.3 of the Rules of Procedure[(rde)7(r)]TJETBT57.51 Tm[(pr)3(oc)4(e)4(dur)-6(e)-4

IT IS ORDERED THAT:

13. The contested decision having been suspended, there is no further determination to be made by the Tribunal, the application having been rendered moot.

(Signed)

Judge Ebrahim-Carstens

Dated this 12th October 2017