

appointment and ordered that the implementation of the decision be suspended pending management evaluation.

Parties submissions

6. The Applicants main contentions in support of his motion for interim relief are as follows:

a. MEU

First Reporting Officer FRO failed to identify performance shortcoming and did not continually evaluate his performance from 1 April 2017.

b. The remedial time-bound performance improvement plan

f.

At any time during the proceedings, the Dispute Tribunal may order an interim measure, which is without appeal, to provide temporary relief to either party, where the contested administrative decision appears prima facie to be unlawful, in cases of particular urgency, and where its implementation

- d. The contested administrative decision appears *prima facie* to be unlawful;
- e. There is a particular urgency in requesting the interim measures;
- f. The implementation of the contested administrative decision would cause irreparable damage.

Considerations

11. The Tribunal notes _____ and the application on the merits were filed contemporaneously. The first condition mentioned above is accordingly fulfilled.

12. The Tribunal considers that a request to suspend the implementation of a contested administrative decision pending proceedings cannot be granted when the request for suspension concerns issues of appointment, promotion or termination, _____ of its Rules of Procedure, as these issues are expressly excluded from being suspended by the Dispute Tribuna

13. _____ to an appointment, namely the decision not to extend his fixed-term appointment. Consequently, the second condition identified above is not fulfilled as the issues raised by the Applicant are excluded from being suspended by the Dispute Tribunal.

14. Seeing that at least one of the above-mentioned cumulative conditions is not fulfilled, the Tribunal therefore need not consider whether the remaining requirements, namely temporary relief, *prima facie* unlawfulness, urgency and irreparable damage, are met.

15. In the light of the foregoing,

IT IS ORDERED THAT:

16. The present application for interim measures is rejected.

(Signed)

Judge Alessandra Greceanu

Dated this 12th day of November 2018