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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/001  
Order No.: 16 (NY)

## **Introduction**

1. On 17 January 2019, the Applicant, a Senior Reviser at the P-5 level, step 7, filed an application on the merits in which he contests the decision to terminate his permanent appointment on the alleged ground of unsatisfactory service.

2. The following day (18 January 2019), the Applicant filed a motion for interim Procedure in which he requested the suspension of the contested decision.

3. On 18 January 2018, the case was assigned to the undersigned Judge and the Registry acknowledged receipt of the application and the motion for interim measures, instructing the Respondent to file a response to the motion on 21 January 2019 and a reply to the application on 18 February.

4. On 21 January 2019, the Respondent filed a response to the motion for interim measures in which, in essence, he submits that (a) the motion is not receivable as the Tribunal does not have competence to suspend the implementation of the contested administrative decision as an interim measure in termination cases under art. 10.2 of , (b) the interim measures requested by the Applicant are not appropriate for discretionary relief, and (c) the motion does not have any merit.

## **Consideration**

5. In the motion for interim measures, the Applicant submits that he seeks the suspension of the contested termination decision as he explicitly requests that termination decision of 1 . He further clarifies that he does not request the suspension of action during the pendency of the management te (and art. 13 of its Rules of Procedure), but the suspension of the contested decision during the Tribunal proceedings pursuant to art. 10.2 of the Statute (and art. 14 of the Rules of Procedure)

as he specifically underlines

of the implementation of the termination decision pending the completion of the

. The Applicant further contends that

Notably, the Tribunal in the *Melpignano* Order [Order No. 93 (GVA) 2015], stated that its authority regarding cases of ... termination is only limited as far as it concerns the suspension of the implementation of the contested decision and does not prevent the Tribunal from ordering other kinds of interim measures. [Ibid] Consequently, I am respectfully requesting the Tribunal to apply other interim measures such as a preservation of the *status quo* for the ends of justice and fairness to be fulfilled,

Since the administrative decision takes effect on 31 January

10.2 of its Statute. The *Melpignano* order therefore has no relevance to the present motion.

IT IS ORDERED THAT:

9. The motion for interim measures is rejected.

*(Signed)*

Judge Alexander W. Hunter, Jr.

Dated this 22<sup>nd</sup> day of January 2019