
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/073
Order No.: 139 (NY/2019)
Date: 11 October 2019
Original: English

Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

SASSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON SUSPENSION OF ACTION

Counsel for Applicant:
Dorota Banaszewska, OSLA

Counsel for Respondent:
ALD/OHR, UN Secretariat

Introduction

1. On 11 October 2019, the Applicant, an Investment Officer at the P-3 level on a temporary appointment with United Nations Joint Staff Pension Fund (“UNJSPF”), filed an application pursuant to art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure requesting a suspension pending management evaluation of the decision not to extend his temporary appointment beyond 11 October 2019.

2. With the application for suspension of action, the Applicant also requested that the impugned decision be suspended during the pendency of the Dispute Tribunal’s consideration of the present case in accordance with *Villamorán* 2011-UNAT-160.

Consideration

3. Under art. 2.2 of the Dispute Tribunal’s Statute and art. 13.1 of the Rules of Procedure, the Tribunal may suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage. The Dispute Tribunal can suspend the contested decision only if all three requirements have been met.

Prima facie unlawfulness

4. In considering whether to suspend an administrative decision pending management evaluation, the Dispute Tribunal’s Statute does not require the Tribunal to make a definitive finding regarding the legality of the impugned decision. Any determination made in the present case is not binding in a possible subsequent substantive case. Rather, based on case record at hand, the Tribunal is merely to make a precursory finding regarding the lawfulness of the impugned decision.

