
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2024/004
Order No.: 011 (NY/2024)
Date: 2 February 2024
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

CHAUDHARY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON SUSPENSION OF ACTION
PENDING MANAGEMENT
EVALUATION**

Counsel for Applicant:
Martine Lamothe, OSLA

Counsel for Respondent:
Lucienne Pierre, AAS/ALD/OHR/UN Secretariat

unsuccessful. She further explained that in preparation for the upcoming Third United Nations Conference on Landlocked Developing Countries, (“LLDC3”), the next session of the inter-governmental preparatory committee would take place in New York from 5 to 8 February 2024. Therefore, it was “critically important” to have the Applicant back in OHRLLS “as soon as possible, and no later than 5 February 2024”.

6. On 22 January 2024, the Applicant filed a management evaluation request (“MER”) seeking a review of the decision to recall him to his parent office and he now requests the Tribunal to suspend the implementation of the OHRLSS decision pending the outcome of the MER.

The parties submissions

7. The Applicant’s main contentions can be summarized as follows:

a. He “faces a difficult situation, as the sudden curtailment of the duration of the temporary appointment to 5th February affects his planning and long-term career prospects”. Among other issues, he “has embarked on conducting various research projects and papers on critical issues”, including “for a key flagship report”. These efforts would be wasted if he were to return to his parent office before 24 July 2024.

b. Agreements, such as the one authorizing the Applicant’s temporary assignment to DESA, “serve as a lawful and binding means for parties to formalize their commitments” and, thus, “impose corresponding responsibilities and obligations on the parties involved”. By breaching the agreement, OHRLLS has “failed to comply with its contractual obligations” and this has resulted in “a violation of the Applicant’s rights”, including his “rights to career progression”.

the Applicant's assertion that the contested decision would deny him the opportunity to complete research projects or would be a waste of the time and effort he has invested in the projects cannot be sustained. Similarly, the financial losses the Applicant will incur on returning to his P-3 salary do not amount to irreparable damage.

be made to adequately redress the Applicant. Under these particular circumstances, any damage cannot be considered “irreparable”.

IT IS ORDERED THAT:

18. The application for suspension of action is rejected.

(Signed)

Judge Joelle Adda

Dated this 2nd day of February 2024

Entered in the Register on this 2nd day of February 2024

(Signed)

Isaac Endeley, Registrar, New York