
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/026

Judgment No.: UNDT/2024/019

Date: 12 April 2024

Original: English

Before: Judge Margaret Tibulya

Registry: New York

Registrar: Isaac Endeley

BEDI

v.

SECRETARY-GENERAL

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, and not all the other comments inserted under the remaining 14 subheadings of the PER.

Considerations

12. It is not in dispute that the Applicant sought management evaluation in respect to PER, in accordance with her 25 May 2023 management evaluation request, and which was done. In relation to this contested decision therefore, since the Applicant received the remedy which she sought in her management evaluation request of 25 May 2023, the a where an Applicant has already received the relief requested, an application [seeking a remedy which has already been granted] is moot and should be dismissed (see, *Rehman* 2017-UNAT-795, para. 21), supports a conclusion as the Tribunal does that there is no administrative decision on which it is competent to pass judgment in accordance with arts. 2 and 8 of its Statute.

13. The Applicant, however, asserts that since the Request for Management Evaluation of 25 May 2023 was made timeously, and it was regarding her PER, and specifically about comments that had been made about her, for the United Nations Dispute Tribunal to decline jurisdiction over this application on the basis that her requests regarding *all* of the PER comments were not made timeously would be unreasonable, particularly given the serious impact of these statements on her professional reputation and career.

14. administrative decision alleging non-compliance with their contract of employment or terms of appointment, including all pertinent regulations and rules pursuant to staff regulation 11.1 (a), *shall*, [emphasis added] as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative

15. In the Tribunal's view, Counsel for [redacted] at para. 13 above, suggesting that the [redacted] request for management evaluation covered *all her supervisor's comments in PER*, is, in the first instance, a departure from their pleading that, [redacted] accepts that her Request for Management Evaluation dated 25 May 2023 and the accompanying letter from CANDEY [redacted] *did not specify a request for all of [her supervisor's] comments* to be removed from the PER [redacted].

16. As admitted, [redacted] Applicant's PER, that she [redacted] was as follows:

Throughout the year, [the Applicant] came across as someone who strongly feels about ethics: she has been proactive in bringing up issues of ethics, integrity, and inclusion in most meetings and processes. However, more than once, her behaviors were not aligned with self/ethical awareness and some of the UNICEF values, namely accountability, trust and respect, vis a vis the team and the Rep.

17. That the request for management evaluation only related to a specific aspect of the PER, and not to all comments in it, is incontrovertible. The fact that it was made timeously [redacted] all comments in the PER.

18. That [redacted] the evaluated comment was in the same PER as the rest of the impugned comments, and since [redacted]

20. It should also be recalled that it is a legal requirement under staff rule 11.2(a)

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29. T
to all the PER renders the application non-receivable
ratione temporis in accordance with staff rule 11.2(c) (see, also *Christensen* 2013-
UNAT-335).

Conclusion

30. The application stands dismissed for being not receivable.

(Signed)

Judge Margaret Tibulya

Dated this 12th day of April 2024

Entered in the Register on this 12th day of April 2024

(Signed)

Isaac Endeley, Registrar, New York