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Case No.: UNDT/GVA/2014/010

Judgment No.: UNDT/2014/032

Date: 21 Ma !" 2014

## Facts

1. On 16 April 2014 the Applicant filed a Petition for Relief Ass'tant (G)\* in the United Nations Tribunal, and (UN, PA) filed an application contesting the decision to award the on-site work order to the respondent (UN, PA) dated 23 February 2013. The application was registered under Case No. UNDT/GVA/2014/006.

2. Together with the application the Applicant filed a 7-point for 'interim measures' on 14 July 2014 seeking an order for the end of the respondent's work order (UN, PA). The Applicant requests the Tribunal to urgently 'interim' the respondent's work order; espondent to grant the application for relief UN, PA made in 2009. Considering that the respondent's work order is different matters than those raised in Case No. UNDT/GVA/2014/006 the Tribunal registered it under Case No. UNDT/GVA/2014/010.

3. On 20 April 2014 the Applicant filed a 7-point for 'interim measures' ending the respondent's work order as an addition to the motion for 'interim measures' as included in the file of Case No. UNDT/GVA/2014/10. In that additional motion she asks the Tribunal to request UN, PA not to make the respondent's work order until the UNDT makes a decision on the request to grant the application for relief UN, PA made in 2009.

## Consideration

4. Pursuant to art. 22.3 of the Rules of Procedure the Director of the Tribunal shall decide on the admission of an application for 'interim measures'.

\*. Considering its time 'interim measures' 51 elements not related to the case art. 22 of the Tribunal's Rules of Procedure is addressed to elements of the case not related to the case. The elements of a case are the Applicant and the respondent. Therefore in the instant case the Applicant as a party cannot file a motion for 'interim measures' on the case. The motion is only for the purpose of not being affected.

6. *in addition* the Applicant's request to urgent review into the PAD is unnecessary. It is not the role of the Tribunal to review the merits of the decision. Article 2.1 of the Tribunal's Statute states that the Tribunal shall have jurisdiction to hear and pass judgment on an application to annul an administrative decision that is alleged to be non-compliant with the terms of a commitment of the International Labour Office. It is not for the Tribunal to review the ongoing administrative process as the PAD and the Applicant were filed on 14 July 2014 and 08 August 2014 respectively.

7. In regard to the Applicant's motion for interim measures the Tribunal notes that such interim measures are only ordered during the proceedings. (see article 10.2 of the Tribunal's Statute). In the Tribunal's decision on the Applicant's motion for interim measures the Tribunal ordered the suspension of Case No. UNDT/GVA/2014/10 as a precautionary measure as a result of the fact that there is no legal ground for an interim measure.

8. The issues discussed above are a matter of law and shall be adjudicated by the Tribunal. The applicant's application to the Tribunal is not admissible and the Tribunal is not bound by the applicant's arguments (see Gehr 2013) UNAT)313; Christensen 2013) UNAT)33; see also Bofill UNDT/2013/141; Lee UNDT/2013/14). As such the Tribunal deems it appropriate to decide on the instant case summarily. Judgment in accordance with article 6 of the Rules of Procedure of the Tribunal that the Tribunal may determine on its own initiative that summarily judgment is appropriate.

