



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2020/028

Judgment No.: UNDT/2020/085

Date: 8 June 2020

Original: English

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**Before:** Judge Margaret Tibulya

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

BASSEY

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT ON RECEIVABILITY**

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**Counsel for the Applicant:**

Sètondji Roland Adjovi

**Counsel for the Respondent:**

Nicole Wynn, AAS/ALD/OHR

Joseph Kavoi, AAS/ALD/OHR

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on a post and that since this was a slow and arduous process, there would be a delay in submitting a response to his management evaluation request.<sup>11</sup>

15. On 1 January, 1 February, 31 January 2020, 1 February 2020 to 31 January 2020, 1 February 2020 to 31 March 2020, through 30 April 2020 and through 30 June 2020 respectively.<sup>12</sup>

### Considerations

16. The Applicant argues that whilst it is true that the application challenged the decision not to renew his fixed-term appointment beyond 15 January 2020, bias and an abuse of authority led to the decision and that the extension does not address that argument. In *Kallon*<sup>13</sup>, it was held that an applicant has to demonstrate to the UNDT how his rights remained adversely affected by a decision which has been superseded and to show that he is suffering an injury because of that decision.

17. The decision not to renew the Applicant's appointment beyond 15 January 2020 was superseded by the decisions taken on 1 January, 1 February, 1 April and 1 May 2020 in which the Applicant's appointment was renewed until June 2020. Other than alleging that bias and an abuse of authority led to the superseded decision, the Applicant has not demonstrated to the Tribunal how his rights remain adversely affected by the contested decision which has been superseded and he has also failed to show that he is suffering an injury as a result of the superseded decision.

18.

between the parties and there is no possibility of any ruling having an actual, real effect.<sup>14</sup>

**Conclusion**

19. The application is moot and it is dismissed in its entirety.

*(Signed)*

Judge Margaret Tibulya

Dated this 8<sup>th</sup> day of June 2020

Entered in the Register on this 8<sup>th</sup> day of June 2020

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi