
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2020/015

Judgment No.: UNDT/2021/022

Date: 9 March 2021

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

KODURU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

George G. Irving

Counsel for Respondent:

Nicole Wynn, ALD/OHR, UN Secretariat

8. MINUJUSTH closed on 15 October 2019 with its liquidation team completing all closure activities on 31 December 2019.

Consideration

Receivability

9. The Respondent objects that the application is not receivable because it is moot, given that the Applicant was not separated upon the expiration of her fixed-term appointment as she was placed on sick leave until after the closure of MINUJUSTH.

10. The Respondent relies in *Kallon* 2017-UNAT-742 (paras. 44 and 45) in which the Appeals Tribunal found that an application is moot when “any remedy issued would have no concrete effect because it would be purely academic or events subsequent to joining issue have deprived the proposed resolution of the dispute of practical significance; thus placing the matter beyond the law, there no longer being an actual controversy between the parties or the possibility of any ruling having an actual, real effect”. It further found that a claim of mootness should be rejected when the

14. Indeed, had the Applicant's contract been extended, her entitlements would have been calculated on a scale different from that applied to her sick leave period. Moreover, should the contested decision be found unlawful, the Applicant could be entitled to receive compensation for the harm caused by the unlawful decision under art. 10.5(b) of the Dispute Tribunal's Statute regardless of any entitlements she may have benefited from during her sick leave.

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Conclusion

30. In light of the foregoing, the application is rejected.

(Signed)

Judge Joelle Adda

Dated this 9th day of March 2021

Entered in the Register on this 9th day of March 2021

(Signed)