

UNITED NATIONS DISPUTE TRIBUNAL

Case No. UNDT/NY/2018/009

Judgment No. UNDT/2019/





recognizes that when a matter is resolved before judgment, judicial economy dictates that the courts abjure decision.

45. Since a finding of mootness results in the drastic action of dismissal of the case, the doctrine should be applied with caution. The defendant or respondent may seek to “moot out” a case against him, as in this case, by temporarily or expediently discontinuing or formalistically reversing the practice or conduct alleged to be illegal. And a court should be astute to reject a claim of mootness in order to

conditions which give the staff member no right to return to the releasing organization”. The Inter-Organization Agreement further provides as follows with regard to transfer:

Transfer

8. (a) A staff member who is transferred will cease as from the date of transfer to have any contractual relationship with the releasing organization, which will therefore be under no obligation to re-employ him or her should the staff member leave the receiving organization.

Applicant claims that her claim in this regard is not moot as she disagrees with the Administration's characterization of her assignments.

22. The Tribunal notes that

