



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2010/001

Judgment No.: UNDT/2010/047

Date: 24 March 2010

English

Original: French

Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: Víctor Rodríguez

SAAB-MEKKOUR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

None

Counsel for Respondent:

Ivan Koulov, HRMS/UNOG

Application and facts

1. By letters dated 30 November 2009 addressed to two judges of the United Nations Dispute Tribunal and received by the Geneva Registry on 4 January 2010, the applicant filed an appeal against various administrative decisions, related to, among other things, her non-selection for two posts, withholdings from her salary, reductions in her annual leave balance and three cases filed with the former Joint Appeals Board.

2. On 20 January 2010, since the application failed to comply with the formal requirements of article 8, paragraph 2, of the statute of the United Nations Dispute Tribunal, the Dispute Tribunal requested the applicant to file an amended application within a month, by 19 February 2010.

3. On 15 March 2010, since the Dispute Tribunal had not received any response from the applicant, it further requested her to provide the information required or withdraw her application by 22 March 2010. The applicant was also informed that, should she fail to respond, the Dispute Tribunal might adjudicate the case by summary judgment.

4. As at the date of this judgment, the Dispute Tribunal had not received any filing from the applicant.

Judgment

5. In several of its judgments (see UNDT/2009/006, *Manokhin*; UNDT/2009/009, *Kouka*; UNDT/2009/061, *Bimo & Bimo*; UNDT/2009/062, *Hastopali & Stiplasek*; UNDT/2010/003, *Mwachullah*; UNDT/2010/029, *Moussa*; and UNDT/2010/038, *Attandi*), the Dispute Tribunal sanctioned failure by an applicant to heed its orders by rejecting the application or striking it from the docket.

6. In *Bimo & Bimo*, *Hastopali & Stiplasek* and *Moussa*, the Tribunal enunciated a general principle of procedural law that the right to institute legal proceedings is predicated upon the condition that the person using this right has a legitimate interest in initiating and maintaining legal action. Access to the court has to be denied to those who are no longer interested in the proceedings they instituted.

7. The above applies fully to the applicant, who was requested on two occasions to make the necessary corrections to her application. She was also advised that, should she fail to respond, the Tribunal might adjudicate her case by summary judgment. In both cases, the applicant had been afforded more than adequate time to comply.

8. The applicant failed to comply with the Tribunal's orders. Thus, clearly, the applicant is no longer interested in pursuing her case and must therefore be deemed to have dropped it.

Conclusion

9. In view of the foregoing, the Tribunal DECIDES:

The application is rejected.

(signed)

Judge Jean-François Cousin

Dated this 24th day of March 2010

Entered in the Register on this 24th day of March 2010

(signed)

Víctor Rodríguez, Registrar, UNDT, Geneva