



**Before:** Judge Marilyn J. Kaman  
**Registry:** New York  
**Registrar:** Morten Albert Michelsen, Officer-in-Charge

MAKWAKA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT ON WITHDRAWAL**

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**Counsel for applicant:**  
Bart Willemsen, OSLA

**Counsel for respondent:**  
Melissa Bullen, ALS/OHRM, UN Secretariat

## **Introduction**

1. On 4 October 2010, the applicant contested a decision not to credit salary increments for a specific period of service on the basis that it was a disciplinary sanction which was *ultra vires*, in violation of the principle of *ne bis in idem* and without proper factual basis.

2. On 14 October 2010, the applicant notified the Tribunal that he was withdrawing his application UNDT/NY/2010/094, having been “advised that the contested decision would be reversed with retroactive effect” and thus removing the basis for the application.

## **Conclusion**

3. This application having been withdrawn, there is no longer any matter for adjudication by the Tribunal and the case is closed.

*(Signed)*

Judge Marilyn J. Kaman

Dated this 14<sup>th</sup> day of October 2010

Entered in the Register on this 14<sup>th</sup> day of October 2010

*(Signed)*

Morten Albert Michelsen, Officer-in-Charge, UNDT, New York Registry