



UNITED NATIONS DISPUTE TRIBUNAL

UNDT/GVA/2018/055
UNDT/GVA/2018/059
Cases No.: UNDT/GVA/2018/063
UNDT/GVA/2018/114
UNDT/GVA/2018/115
Order No.: 42 (GVA/2020)
Date: 6 April 2020
Original: English

Before: Judge Teresa Bravo and Judge Francesco Buffa

Registry: Geneva

Registrar: René M. Vargas M.

WILLIAMS
PATKAR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON MOTION
FOR JOINDER OF CASES**

Counsel for Applicant:

Edward Patrick Flaherty (WILLIAMS)
Robbie Leighton (PATKAR)

Counsel for Respondent:

Kong Leong Toh, UNOPS

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Introduction

1. By joint motion filed on 31 March 2020, the Applicants request the Tribunal to join their existing cases, namely Cases No. UNDT/GVA/2018/055, 114 and 115 for Applicant Williams and Cases No. UNDT/GVA/2018/059 and 063 for Applicant Patkar.
2. On 1 April 2020, the Respondent filed his response to the motion submitting that the applications should not be joined.
3. Case No. UNDT/GVA/2018/055 is currently assigned to Judge Francesco Buffa and Cases No. UNDT/GVA/2018/059 and 063 are currently assigned to Judge Teresa Bravo. Cases No. UNDT/GVA/2018/114 and 115 were assigned upon their filing to Judge Rowan Downing, whose term with the Tribunal expired last year. In view of this, the undersigned Judges decide to issue the present joint Order.

Consideration

4. In support of their motion, the Applicants submit that:
 - a. The facts of both cases are largely the same, and both Applicants' causes of action arise from the same set of facts;
 - b. The legal issues of both cases are sufficiently similar to justify Joinder;
 - c. Both Applicants assert similar grounds for relief; and
 - d. Judicial and financial economy would be served by joining the cases.
5. The Tribunal notes that pursuant to Order No. 40 (GVA/2020) of 1 April 2020, the parties in Case No. UNDT/GVA/2018/055 are to submit their closing statements next week. The Tribunal also recalls that pursuant to art. 19 of its Rules of Procedure (Case management), it can "issue any order or give any

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direction which appears ... to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties”.

6. Having examined the context from which the present applications arise, the undersigned Judges consider that judicial efficiency and justice will be better served by having the same Judge adjudicating the above-mentioned cases.

7. Noting the present stage of proceedings in Case No. UNDT/GVA/2018/055, the undersigned Judges agree that the remaining four cases in question be reassigned to Judge Francesco Buffa who, in the regular course of case management, will consider whether to join the cases and, if so, decide on the modalities of a joinder.

IT IS ORDERED THAT:

8. The UNDT Geneva Registry take appropriate administrative action to reassign to Judge Francesco Buffa Cases No. UNDT/GVA/2018/059 and 063 (Patkar) and Cases No. UNDT/GVA/2018/114 and 115 (Williams).

(Signed)
Judge Teresa Bravo
Dated this 6th day of April 2020

(Signed)
Judge Francesco Buffa
Dated this 6th day of April 2020

Entered in the Register on this 6th day of April 2020

(Signed)
René M. Vargas M., Registrar, Geneva