



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

ASGHAR

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON  
MOTION FOR WITHDRAWAL**

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**Counsel for Applicant:**

Sultan Khalid

**Counsel for Respondent:**

Chinonyelum Esther Uwazie, UNICEF

Matthias Schuster, UNICEF

## **Introduction**

1. By application filed on 26 April 2017, the Applicant, a former staff member of the United Nations Children’s Fund (“UNICEF”), challenged the decision to dismiss her from service with the UNICEF Quetta Zone Office in Pakistan on allegations of fraud and/or gross negligence.
2. By Judgment *Asghar* UNDT/2019/074 dated 3 May 2019, this Tribunal upheld the application, in part, but it affirmed the dismissal decision on the strength of a transcript of a telephone conversation said to have taken place between the Applicant and a consultant with the local government. The Applicant subsequently appealed this Judgment.
3. On 27 March 2020, the United Nations Appeals Tribunal issued Judgment *Asghar* 2020-UNAT-982 vacating this Tribunal’s above-mentioned Judgment and remanding the case to this Tribunal before a different Judge for fresh determination.
4. By Order No. 117 (GVA/2020) of 16 November 2020, the Tribunal convoked the parties to a Case Management Discussion (“CMD”) scheduled for 7 December 2020.
5. By email dated 2 December 2020, Counsel for the Applicant informed the Tribunal that he would not be able to attend the CMD given health concerns. On 3 December 2020, the Applicant, through her Counsel, indicated that she would not attend the CMD without legal representation.
6. By Order No. 127 (GVA/2020) of 4 December 2020, the Tribunal cancelled the CMD scheduled for 7 December 2020 and ordered the parties to revert to it concerning the earliest date at which they could participate in a CMD.
7. Following consultations with the parties, the Tribunal convoked the parties to a CMD scheduled for 15 January 2021 by Order No. 1 (GVA/2021) of 6 January 2021.

8. By email dated 12 January 2021, the parties jointly advised the Tribunal that they were engaged in settlement discussions with a view to amicably resolving the matter. Consequently, the parties requested the Tribunal to cancel the CMD scheduled for 15 January 2021 and suspend the proceedings for two weeks. The request was granted by Order No. 4 (GVA/2021) of 12 January 2021.

9. On 26 January 2021, the parties jointly requested a further suspension of the proceedings until 1 February 2021 to allow them to conclude their informal resolution efforts while informing the Tribunal that their discussions had made progress.

10. With a view to facilitating an amicable settlement of the case, the Tribunal decided to further suspend the proceedings until 5 February 2021 by Order No. 9 (GVA/2021) of 27 January 2021.

11. On 3 February 2021, the Applicant filed a motion to withdraw the application, advising the Tribunal that the parties had reached a settlement agreement.

### **Consideration**

12. Having reviewed the motion, the Tribunal sees no obstacle to the withdrawal of the case. The Tribunal thus grants the motion to withdraw the application.

13. In light of the Applicant's withdrawal of her application, there is no longer any matter for adjudication before the Tribunal.

### **Conclusion**

14. In view of the foregoing, it is ORDERED that:

Case No. UNDT/GVA/2017/022/R1 be closed.

*(Signed)*

Judge Teresa Bravo

Dated this 5<sup>th</sup> day of February 2021

Case No. UNDT/GVA/2017/022/R1

Order No. 30 (GVA/2021)

Entered in the Register on this 5<sup>th</sup> day of February 2021

*(Signed)*

René M. Vargas M., Registrar, Geneva