



Before: Alexander W. Hunter, Jr.

Registry: Geneva

Registrar: René M. Vargas M.

SHAH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Lucienne Pierre, AAS/ALD/OHR, UN Secretariat

Introduction

1. On 18 March 2022, the Applicant, a staff member of the United Nations Military Observer Group in India and Pakistan (“UNMOGIP”), filed an application contesting the adjustment of the structure of the Mission Support as reflected in an Inter-Office Memorandum (“IOM”) from the Chief of Mission Support (“CMS”) to Mission Support Section Chiefs and All Staff in India dated 27 September 2021.
2. On 31 March 2022, the Respondent filed a motion to have receivability determined as a preliminary matter and to enforce page limits pursuant to the Tribunal’s Practice Direction No. 4.
3. On 5 April 2022, the instant case was assigned to the undersigned Judge.

Consideration

4. The Applicant claims to be suffering retaliation by the UNMOGIP management due to him reporting wrongdoings in the section during his tenure as President of Srinagar Staff Association. He claims that the restructuring of reporting lines pursuant to the above-mentioned IOM is part of a larger-scale retaliation campaign and an attempt to “kill career growth of capable national staff”.
5. The Respondent, on the other hand, argues that the application is not receivable *ratione materiae* because the Applicant failed to identify a final administrative decision that is in non-compliance with his terms of appointment or contract of employment, as required under art. 2.1(a) of the Tribunal’s Statute. Notwithstanding, the Respondent argues that if the Tribunal identifies the challenged decision as the IOM in question, the application is still not receivable *ratione materiae* because the IOM is not an administrative decision but a regulatory decision of general application.
6. Accordingly, the Respondent requests the Tribunal to determine receivability as a preliminary matter.

7. Having considered the Respondent's motion, the Tribunal finds it appropriate to grant leave to the Applicant to comment on the issue of receivability that the Respondent raises.

8. Consequently, the deadline for the Respondent to file his reply on the merits will be suspended pending the Tribunal's ruling on receivability.

Conclusion

9. In view of the foregoing, it is ORDERED THAT:

a. The Applicant file his comments, if any, on the issue of receivability of his application by **Friday, 15 April 2022**; and

b. The Respondent's deadline to file his reply on the merits be suspended pending the Tribunal's decision regarding the issue of the application's receivability.

(Signed)

Alexander W. Hunter, Jr.

Dated this 8th day of April 2022

Entered in the Register on this 8th day of April 2022

(Signed)

René M. Vargas M., Registrar, Geneva