



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

RECHDAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Shubha Suresh Naik, OSLA

Counsel for Respondent:

Rebecca Britnell, UNHCR

Charlotte Servant-L'Heureux, UNHCR

Introduction

1. By application filed on 3 November 2021, the Applicant, a staff member of the Office of the United Nations High Commissioner for Refugees (“UNHCR”), contests the Administration’s decision to deny her telecommuting arrangements or Special Leave with Full Pay (and maternity rights) despite the Medical Unit’s affirmation of her high-risk pregnancy, as well as considering the ongoing pandemic.

2. On 8 December 2021, the Respondent filed his reply together with a motion for leave to exceed the page limit.

Consideration

Motion to exceed page limit

3. The Respondent requests leave to exceed the page limit suggested in the Tribunal’s Practice Direction No. 4. In support of his request, the Respondent submits that he is obliged to address the facts and analysis that corresponds to various issues raised in the application, including analysing four different policies, and that the additional facts and analysis would assist the Tribunal to address the issues efficiently and effectively in this case.

4. The Tribunal notes that para. 19 of its Practice Direction No. 4 provides that “[t]he reply should not exceed 10 pages, font Times New Roman, font size 12, line spacing of 1.5 lines”. In the present case, the reply, excluding the cover, is 12 pages long.

5. Having regard to the circumstances invoked by the Respondent, for a fair and expeditious disposal of the case, the Tribunal considers it appropriate to grant the Respondent’s motion pursuant to art. 19 of its Rules of Procedure.

Filing of further submissions

6. Having perused the case file, the Tribunal finds that the case can be determined on the written pleadings without holding a hearing on the merits. Nevertheless, to be fully informed, the Tribunal finds it appropriate and in the interest of justice to direct the Applicant to file a rejoinder.

7. In accordance with the principle of equality of arms, the Tribunal will give the Respondent an equal opportunity to respond to the Applicant's rejoinder.

Amicable settlement

8. Having regard to the specific circumstances of the present case and noting that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

Conclusion

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

- a. The Respondent's motion to exceed page limit is granted. Consequently, his 12-page reply is admitted into the case record;
- b. By **Thursday, 27 October 2022**, the Applicant shall file a rejoinder; and
- c. By **Monday, 7 November 2022**, the Respondent shall file his comments, if any, on the Applicant's rejoinder.

(Signed)

Judge Teresa Bravo

Dated this 18th day of October 2022

Entered in the Register on this 18th day of October 2022

(Signed)

René M. Vargas M., Registrar, Geneva