



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

EFRATI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Nicola Caon, AAS/ALD/OHR, UN Secretariat

Miryoung An, AAS/ALD/OHR, UN Secretariat

Introduction

1. By application filed on 9 March 2023, the Applicant, a Senior Staff Assistant with the United Nations Register of Damage at the United Nations Office at Vienna, contests the decision of the Administration to impose on her the disciplinary measures of written censure, loss of two steps in grade, and deferment for two years of eligibility for salary increment, per Staff Rules 10.2(a)(i), (ii) and (iii).
2. On the same day, the Applicant filed a motion to exceed the page limit referred to in the Tribunal's Practice Direction No. 4.
3. On 20 April 2023, the Respondent filed his reply.

Consideration

Motion to exceed the page limit

4. The Applicant requests leave to exceed the page limit for her application, which is 21 pages long. In support of her motion, she points to the factual complexity of the case and the need to address specific interpretations of rules, the factual scenario leading to the finding of misconduct and sanction, as well as the basis of proportionality. She further argues that given the circumstances of her case, it would not be in the interest of justice to limit the challenge to 10 pages.
5. The Respondent does not object to the Applicant's motion but similarly exceeded the page limit by filing a 17-page reply.
6. The Tribunal notes that under paras. 6 and 19 of its Practice Direction No. 4, both the application and the reply should not exceed 10 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines. Nevertheless, para. 2 of Practice Direction No. 4 makes it clear that this Practice Direction is "subject to any direction given by a Judge in a particular case".
7. Noting that both the application and the reply exceeded the page limit, and considering the circumstances of the case invoked by the Applicant, the Tribunal finds that it would not be in the interest of justice to be overly formalistic in this

matter. Consequently, pursuant to art. 19 of its Rules of Procedure, the Tribunal will grant the Applicant's motion.

Filing of a rejoinder

8. Having perused the case file, the Tribunal considers it appropriate and in the interest of justice to direct the Applicant to file a rejoinder.

Amicable settlement

9. 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

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

- a. The Applicant's motion to exceed the page limit is granted. Consequently, her 21-page application is admitted into the case record;
- b. By **Friday, 30 June 2023**, the Applicant shall file a rejoinder; and
- c. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Friday, 7 July 2023**.

(Signed)

Judge Teresa Bravo (Duty Judge)

Dated this 26th day of May 2023

Entered in the Register on this 26th day of May 2023

(Signed)

René M. Vargas M., Registrar, Geneva