



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

SHERALOV

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Viacheslav Mysak

Counsel for Respondent:

Isavella Maria Vasilogeorgi, DAS/ALD/OHR, UN Secretariat

Introduction

1. By an incomplete application filed on 28 October 2022, the Applicant contests the decision of the Under-Secretary-General for Management Strategy, Policy and Compliance (“USG/DMSPC”) to impose on him the disciplinary measure of separation from service with termination in lieu of notice and with termination indemnity.
2. Upon its completion on 28 November 2022, the application was served on the Respondent who had until 28 December 2022 to file his reply.
3. On 22 December 2022, the Respondent filed his reply with a request to exceed the page limit.
4. On 31 March 2023, the Applicant filed his rejoinder.
5. On 6 April 2023, the Respondent filed a motion on the Applicant’s rejoinder.

Consideration

Request to exceed the page limit

6. 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 points to the factual complexity of the case, the presentation of first instance arguments and documentation in the application, and the need to summarize and cite relevant evidence that was before the decision-maker at the time of the decision.
7. 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.
8. 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 request pursuant to art. 19.1 of its Rules of Procedure.

The Respondent's motion on the Applicant's rejoinder

9. In his motion, the Respondent requests the Tribunal to dismiss the Applicant's rejoinder and strike it from the record on the grounds that neither did the Applicant request leave to submit it nor did the Tribunal grant such leave prior to its filing. Should the Tribunal grant the leave for the Applicant to submit a rejoinder, the Respondent requests a fair opportunity to respond in writing to the Applicant's submission.

10. Having considered the content of the rejoinder, the Tribunal finds that it is relevant and directly related to the Applicant's case and thus it would not be in the interest of justice to strike it from the record. Consequently, the Tribunal will admit the rejoinder into the case record pursuant to art. 19.1 of its Rules of Procedure.

11. In line with the principle of equality of arms, the Tribunal finds it appropriate to give the Respondent an opportunity to respond in writing to the Applicant's rejoinder.

Conclusion

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

- a. The Respondent's request to exceed the page limit in his reply be granted;
- b. The Applicant's rejoinder dated 31 March 2023 be admitted into the case record; and
- c. The Respondent file his response to the Applicant's rejoinder by **Friday, 4 August 2023**.

(Signed)

Judge Sun Xiangzhuang
Dated this 24th day of July 2023

Entered in the Register on this 24th day of July 2023

(Signed)

René M. Vargas M., Registrar, Geneva