



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

OPPAL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON MOTION FOR WITHDRAWAL**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Fatuma Mninde-Silungwe, AAS/ALD/OHR, UN Secretariat

Introduction

1. By application filed on 15 August 2023, the Applicant contests his non-selection to the post of Chief of Unit (P-4), Finance and Budget, United Nations Assistance Mission for Iraq (“UNAMI”), advertised under a “Recruit from Roster” Job Opening No. 201359.
2. The Respondent filed his reply on 15 September 2023.

Procedural history

3. By Order No. 154 (GVA/2023) of 13 November 2023, the Tribunal instructed the Applicant to file a rejoinder and encouraged the parties to consider amicable settlement.
4. On 16 December 2023, the Applicant requested an extension of time to file his rejoinder.
5. On 19 December 2023, the parties filed a joint submission informing that it was in their interest to proceed with the adjudication of the case on the merits.
6. By Order No. 46 (GVA/2024) of 2 May 2024, the Tribunal instructed the Applicant to file his rejoinder by 16 May 2024.
7. By email dated 23 May 2024, the Tribunal reminded the Applicant to file his rejoinder, in accordance with Order No. 46 (GVA/2024).
8. By email dated 26 May 2024, the Applicant informed the Tribunal’s Geneva Registry that he had decided not to pursue this case any further. In response, the Geneva Registry instructed him to file a motion for withdrawal.
9. By emails dated 3 and 11 June 2024, the Geneva Registry reminded the Applicant to file his motion for withdrawal.
10. On 18 June 2024, the Geneva Registry sent the Applicant a last email reminder to file a motion for withdrawal setting a final deadline to comply by 21 June 2024. The Applicant acknowledged receipt of this email on the same day.

Consideration

11. As of the date of this Order, the Applicant has not filed his motion for withdrawal. The Tribunal notes that in his 18 June 2024 acknowledgment of the final deadline to file said motion, the Applicant *inter alia* stated: “[m]y apologies as I have been extremely busy preparing for the missions ACABQ hearing on our 2025 proposed budget which is being held later today. I will endeavour to meet the deadline, if not please close this case with UNAMI”.

12. The Tribunal finds that despite the absence of a formal motion for withdrawal of the case, the multiple emails on record and, particularly, the Applicant’s 18 June 2024 acknowledgment, the Applicant has clearly and unequivocally demonstrated his intention to withdraw the application in the present matter.

13. Accordingly, the Tribunal sees no obstacle to the withdrawal of the application. Said withdrawal requires no pronouncement on the merits and concludes the current matter before the Tribunal.

Conclusion

14. In view of the foregoing, it is ORDERED THAT there being no matter for adjudication by the Tribunal, Case No. UNDT/GVA/2023/042 be hereby closed without liberty to reinstate, and struck from the Tribunal’s docket.

(Signed)

Judge Sun Xiangzhuang

Dated this 27th day of June 2024

Entered in the Register on this 27th day of June 2024

(Signed)

René M. Vargas M., Registrar, Geneva