



Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Jean-Pelé Fomété

FAYE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S MOTION
TO WITHDRAW APPLICATION FOR
SUSPENSION OF ACTION**

Counsel for the Applicant:

Seth Levine, OSLA

Counsel for the Respondent:

Elizabeth Gall, ALS/OHRM, UN Secretariat

Bérenghère Neyroud, ALS/OHRM, UN Secretariat

Introduction

1. The Applicant is the Regional Advisor with the United Nations Economic Commission for Africa (“UNECA”) holding a Fixed-Term Appointment at the P-5 level. The Applicant also serves as the Chief Information Communications and Technology Services (“ICTS”).

2. On 31 December 2012 he requested management evaluation of the decision to abolish his post of Regional Advisor (“administrative decision”). On the same day, he filed an Application for suspension of action of the administrative decision with the United Nations Dispute Tribunal (“the Tribunal”).

3. According to the Applicant, he was informed of the administrative decision on 14 December 2012, however before the said date, there were various representations made to him that engendered a legitimate expectation that his post of Regional Advisor would not be abolished.

4. The Tribunal issued interim Order No. 179 (NBI/2012) on 31 December 2012 suspending the decision to abolish the Applicant’s position for five (5) working days pending the receipt of the Respondent’s reply and a full determination of the Application.

5. On 3 January 2013, the Applicant filed a motion to withdraw the Suspension of Action informing the Tribunal that the post of Regional Advisor was not being abolished and that the Organization will take steps to regularize his contractual status.

Consideration

6. The Tribunal having taken note of the reasons advanced by the Applicant for the withdrawal of his Application **ORDERS THAT:**

- a. The matter of *Faye v. Secretary-General of the United Nations*, registered with the Nairobi Registry under Case No. UNDT/NBI/2012/077, be dismissed.

Case No. UNDT/NBI/2012/077

Order No. 004 (NBI/2013)

(Signed)

Judge Vinod Boolell

Dated this 3rd day of January 2013

Entered in the Register on this 3rd day of January 2013

(Signed)

Legal Officer for:

Jean-Pelé Fomété, Registrar, Nairobi