



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2013/69  
Order No.: 228 (NBI/ 2013)  
Date: 23 October 2013  
Original: English

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**Before:** Judge Vinod Boolell  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko, Acting Registrar

WILSON III

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**DIRECTIONS ORDER**

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**Counsel for the Applicant:**

Marissa Macleenan, OSLA

**Counsel for the Respondent:**

Stephen Margetts, ALS/OHRM

Sarahi Lim Baro, ALS/OHRM

## **Introduction and Procedural History**

1. The Applicant is a Human Resources Operations Manager with the Kuwait Joint Support Office of the United Nations Missions in Afghanistan and Iraq (KJSO/UNAMA/UNAMI). He serves at the P4 step 6 level on a Fixed Term appointment in Kuwait.

2. The present Application, dated 18 October 2013, is filed on the merits following applications for suspension of action on 5 September 2013 and 10 October 2013.

3. The Applicant seeks an order suspending the following pursuant to art. 14 of the UNDT Rules of Procedure

- a. The decision to separate him from KJSO pending a final resolution by either the Management Evaluation Unit (MEU) or the UNDT should an appeal become necessary after the MEU decision;
- b. The decision to move him from Post No. 74588 to Post No. 54326 pending a final resolution by either the MEU or the UNDT;
- c. The decision to place him on a Performance Improvement Plan (PIP) pending a final resolution by either the MEU or the UNDT.

4. The Application was served on the Respondent on 18 October 2013.

5. On the same day, the Tribunal issued Order No. 227 (NBI/2013) seeking further and better particulars from the Applicant. The Tribunal also advised the Applicant that the option of seeking counsel in the Office of Staff Legal Assistance (OSLA) is available to him.

6. On 21 October 2013, OSLA wrote to the Registry to inform it that the Office now has carriage of the case, and that Ms. Marissa Macleenan has been appointed Counsel for the Applicant. An OSLA Consent Form was also filed.

7. Also on 21 October 2013, the Administrative Law Section (ALS) acknowledged receipt of the Application served on them and informed the Registry that the Secretary-General will be represented by Mr. Stephen Margetts and Ms. Sarahi Lim Baro.

8. On 22 October 2013, Counsel for the Applicant furnished the Tribunal with the further and better particulars requested.

#### **DELIBERATIONS AND DIRECTIONS**

9. The present application encompasses an application for interim relief that needs to be addressed urgently. Holding a hearing in the afternoon, with the risk of an adjournment for further debates or technical difficulties, may result in further delays, which could in turn defeat the urgency element.

10. The Tribunal is therefore concerned that this case has been assigned by the Respondent to counsel based in New York.

11. The time difference between the locations of Respondent's counsel, the Registry and the Applicant and his counsel would mean that any hearing of this matter can only commence in Nairobi in the afternoon simply because of where the Respondent is being represented from.

12. The Tribunal feels very strongly that expeditious handling and management of this case is better achieved by the Respondent being represented by counsel who are presently in Nairobi. This would also minimize cost and remove one layer of

technology-aided communications and therefore save a considerable amount of the court's time and resources.

13. In the interest of the fair and expeditious determination of this matter, the Respondent is requested to modify the arrangements of their representation in this case by **Friday, 25 October 2013**.

*(Signed)*

Judge Vinod Boolell

Dated this 23<sup>rd</sup> day of October 2013

Entered in the Register on this 23<sup>rd</sup> day of October 2013

*(Signed)*

Abena Kwakye-Berko, Acting Registrar, Nairobi