



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

WAMBUGU

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE APPLICANT'S NOTICE  
OF WITHDRAWAL**

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**Counsel for the Applicant:**

Miles Hastie, Office of Staff Legal Assistance

**Counsel for the Respondent:**

Steven Dietrich, ALS/OHRM

## **Introduction and Procedural History**

1. The Applicant holds a fixed term appointment, and was at the time of her Application deployed to the United Nations Operation in Côte d'Ivoire (ONUCI) as an Administrative Assistant.

2. The Applicant is challenging the decision of the Respondent, on 25 June 2012, to make her a “revised” offer for a post at the FS4 step 6 level *after* a contract was offered and accepted between the Parties at the step 12 level.

3. The Tribunal issued Order No. 211 (NBI/2013)<sup>1</sup> advising the Parties to engage in talks with a view to having the dispute resolved *inter partes*. The Tribunal directed the Parties to advise, by 11 October 2013, if the matter is likely to be resolved between them or if a formal order referring the matter to Mediation is necessary.

4. On 10 October 2013, the Parties filed a joint submission with their views on informal resolution. They agreed that “it may be fruitful [for them] to engage in efforts at informal resolution” of the dispute and, to that end, moved for the proceedings to be suspended for a three-month period to give them the opportunity to pursue informal resolution.

5. On 21 November 2013, the Tribunal issued Order No. 253 (NBI/2013) granting the Parties’ motion, and allowing three months through 20 February 2014 for the Parties’ negotiations.

6. On 20 February 2014, the Parties filed another joint submission seeking extension of the deadline for a further two weeks. The Parties submitted that “while

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<sup>1</sup> The Order was erroneously issued as Order No. 206 (NBI/2013) on 12 September 2013. A revised version bearing the correct order number was issued on 20 September 2013.

informal settlement efforts have been initiated, the negotiations are ongoing and it is not anticipated that the process will be completed within the deadline”.

7. On 20 February 2014, the Tribunal issued Order No. 031(NBI/2014) granting the Parties’ motion and suspending the proceedings to 20 March 2014.

8. On 27 February 2014, the Applicant filed the present Notice of Withdrawal, pursuant to the terms and conditions of the settlement agreement between the Parties, fully withdrawing from all allegations and claims in proceedings before the UNDT.

### **DIRECTIONS**

9. The Tribunal congratulates the Parties for having resolved this dispute *inter partes*. The Tribunal also appreciates and commends the Parties’ conduct in having this matter efficiently and expeditiously settled.

10. The Tribunal hereby **RECORDS** the contents of the Applicant’s Notice and **ORDERS** that the matter of *Wambugu v Secretary General of the United Nations* (UNDT/NBI/2013/001) be struck off the Court’s docket.

*(signed)*

Judge Vinod Boolell

Dated this 28<sup>th</sup> day of February 2014

Entered in the Register on this 28<sup>th</sup> day of February 2014

*(signed)*

Abena Kwakye-Berko, Acting Registrar, Nairobi