



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/079

Order No.: 242 (NBI/2015)

Date: 22 July 2015

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

CHEMINGUI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

FURTHER DIRECTIONS ON THE
APPLICATION FOR SUSPENSION OF
ACTION PURSUANT TO ARTICLE 14 OF
THE RULES OF PROCEDURE

Counsel for the Applicant:

Marisa Macleenan, OSLA

Counsel for the Respondent:

Steven Dietrich, ALS/OHRM
Alister Cumming, ALS/OHRM

The Application and Procedural History

1. The Applicant is a Senior Economist at the Economic and Social Commission for Western Asia (ESCWA). He serves on a fixed term appointment, at the P5 level, on an “established” post.

2. On 21 July 2015, the Applicant filed an Application for Suspension of Action seeking an injunction, pending a determination on the merits, against the decision to laterally reassign him as the Regional Adviser on Trade.

3. The Tribunal is informed that, as far as the Applicant is aware, ESCWA intends “to issue a memo today, 21 July, to reassign him effective immediately.”

4. The Application was filed along with a substantive merits application, which has been served on the Respondent.

5. On 21 July 2015, the Tribunal issued, in the interim, Order No. 240 (NBI/2015) suspending the impugned decision until 28 July 2015.

6. On 22 July 2015, the Respondent filed his Reply to the Application for Suspension of Action. The Respondent argues *inter alia* that Order No. 240 (NBI/2015) should be vacated on the ground that the Applicant has not satisfied the tripartite test required for the issuance of an injunction.

Deliberations

7. The Tribunal has carefully reviewed the Respondent’s submissions and is of the considered view that in order to do justice in this Application, it is necessary that

the relevant documentation in support of the Respondent's case be produced for the Tribunal's perusal.

8. It is accordingly **ORDERED:**

- i. The Respondent shall file, by **1000hrs (Nairobi time) 23 July 2015**, documentary evidence in support of his assertions at paragraphs 13, 14 and 22 of his Reply;
- ii. The Applicant shall file, by **1600hrs (Nairobi time) 23 July 2015**, any submissions in response to the Respondent's Reply and the anticipated annexes.

(Signed)

Judge Nkemdilim Izuako

Dated this 22nd day of July 2015

Entered in the Register on this 22nd day of July 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi