



Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KELAPILE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S
MOTION FOR EXTENSION OF TIME**

Counsel for the Applicant:
Daniel Trup, OSLA

Counsel for the Respondent:
Sandra Baffoe-Bonnie, OES/ECA

Introduction

1. The Applicant was appointed Chief of Staff in the Office of the Executive Secretary (ES) in the United Nations Economic Commission for Africa (UNECA). He serves at the D1 level on a fixed term appointment.
2. On 24 September 2015, the Registry of the United Nations Dispute Tribunal (UNDT) in Nairobi received the Applicant's application for suspension of action, challenging the Respondent's decision to "strip him of his core functions as Chief of Staff". The Applicant contends that the impugned decision is inconsistent with the United Nations Staff Regulations and Rules as well as with the jurisprudence of the UNDT.
3. On 1 October 2015, the Applicant filed a motion to withdraw his request for interim measures "pursuant to the terms and conditions of a recently concluded interim settlement between the Parties".
4. The Tribunal issued Order No. 310 (NBI/2015) on the same day, granting the Applicant's motion and striking the matter off the court's docket.
5. On 3 November 2015, the Applicant filed a substantive Application pursuant to art. 2.1.c of the UNDT Statute and an Application for Suspension of Action pursuant to art. 14 of the Rules of Procedure. The Applicant is challenging the Respondent's decision to "not comply with the intent, letter and spirit of the Settlement Agreement reached on 1 October 2015 through mediation".
6. Both Applications were served on the Respondent on the same day. The Respondent was directed to file his Reply to the motion for interim relief by 4 November 2015.
7. On 4 November 2015, the Tribunal received the Respondent's Motion for Extension of Time.

Order

8. This is the second time the Respondent has sought extension of time to respond to an application for suspension of action.

9. The Respondent must be well aware that the court is statutorily required to rule on applications for *interim* relief within “five working days of service on the Respondent of the application”. The court, following the Respondent’s reply, must within that short time consider and adjudicate on the issues raised by the Parties; and, sometimes, hold an oral hearing to do as much.

10. The Respondent, on the other hand, has the option of suspending the implementation of the impugned decision himself so that the application becomes moot; or filing an application for extension of time on the basis of having taken the necessary *interim* measures itself.

11. He has not done so in this case.

12. The Court can therefore only partially grant the relief sought by the Respondent, but warns him against routinely filing for such extensions in the future.

13. The Respondent is directed to file his Reply to the art. 14 Application by **0900hrs (Nairobi time) on 5 November 2015.**

(Signed)

Judge Vinod Boolell

Dated this 4th day of November 2015

Entered in the Register on this 4th day of November 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi