



Before: Judge Alexander W. Hunter, Jr.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KELAPILE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
REQUEST FOR WITHDRAWAL OF
PROCEEDINGS**

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) on 1 August 2014. He serves at the D-1 level on a fixed term appointment.
2. On 22 August 2016, the Applicant filed a substantive application challenging the Respondent's decision not to renew his contract. This application included a motion for the consolidation of UNDT/NBI/2016/062 with UNDT/NBI/2015/112.
3. On 21 September 2016, the Respondent filed his reply to UNDT/NBI/2016/062 urging the Court to dismiss both the application and the motion for consolidation of the two cases.
4. Following the completion of Judge Meeran's term at the UNDT in Nairobi, this matter was transferred to the docket of Judge Hunter in December 2016.
5. On 9 January 2017, the Respondent filed a motion to have the Applicant's case in respect of the non-renewal (2016/062) dismissed as moot on grounds that the Acting Executive Secretary of UNECA has decided to "renew the Applicant's contract for two years."
6. On 11 January 2017, the Tribunal sought the Applicant's response to the Respondent's motion.
7. The Applicant responded to the motion on 12 January 2017.
8. On 16 January 2017, the Respondent filed "additional submissions" in support of his motion.
9. The Applicant sought leave to respond to the Respondent's "additional submissions," and filed his response on 18 January 2017 strenuously objecting to the Respondent's motion for dismissal of case 2016/062.

10. On 23 January 2017, the Applicant filed the subject motion to withdraw proceedings on grounds that the Respondent has reversed “its decision to separate Mr. Kelapile” and has issued a contract extension.

Deliberations

11. The Tribunal commends the parties for their sustained efforts at having this matter resolved without recourse to further litigation.

12. The Tribunal hereby **GRANTS** the Applicant’s motion and **ORDERS** that the matter of *Kelapile v Secretary General of the United Nations* (UNDT/NBI/2016/062) be struck from the Tribunal’s docket.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 30th day of January 2017

Entered in the Register on this 30th day of January 2017

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi