



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/043  
Order No.: 027 (NBI/2017)  
Date: 6 February 2017  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

ARSHAD

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE APPLICANT'S  
MOTION TO WITHDRAW  
APPLICATION**

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**Counsel for the Applicant:**  
Michael Brazao, OSLA

**Counsel for the Respondent:**  
Steven Dietrich, ALS/OHRM  
Nicole Wynn, ALS/OHRM

## **Introduction**

1. The Applicant is serving as the Chief, Corrections Section/Senior Corrections Advisor at the P-5 level with the United Nations Mission in the Republic of South Sudan (UNMISS).
2. On 13 June, he filed an application on the merits to contest the decision to strip him of all his functions and responsibilities as Chief of the UNMISS Corrections Section.
3. The application was served on the Respondent on 13 June 2016 and he was given a deadline of 14 July within which to file his reply.
4. Between 21 June 2016 and 16 August 2016, the Applicant filed motions seeking suspension of proceedings pursuant to art. 19 of the UNDT Rules of Procedure to allow the parties an opportunity to pursue informal dispute resolution. The Tribunal granted these motions and suspended proceedings until 30 November 2016.
5. On 15 November 2016, the Applicant informed the Tribunal that the parties had not been able to reach a mediated settlement of the matter and requested that the Tribunal resume its proceedings.
6. Pursuant to Order No. 482 (NBI/2016), the Respondent filed a reply to the application on 19 December 2016, in which he submitted that the application is not receivable *rationae materiae* because the Applicant had failed to seek management evaluation of the contested decision within the 60 day deadline prescribed in staff rule 11.2(c). The Applicant was directed to file submissions on the issue of receivability by 23 January 2017.
7. On 18 January 2017, the Applicant filed a motion requesting for an extension of the deadline to file his submissions on receivability until 6 February 2017. By

Order No. 011 (NBI/2017), the Tribunal granted the parties an extension of time as requested.

8. On 2 February 2017, the Applicant filed a motion withdrawing his application in view of the fact that the parties had reached a negotiated settlement that fully resolved the dispute at issue in these proceedings.

**Order**

9. In view of the foregoing, it is ORDERED that the matter of *Arshad v. Secretary-General of the United Nations*, Case No. UNDT/NBI/2016/043, be closed.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 6<sup>th</sup> day of February 2017

Entered in the Register on this 6<sup>th</sup> day of February 2017

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi