



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2019/092  
Order No.: 076 (NBI/2020)  
Date: 24 April 2020  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

ZERVOS

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**

Robbie Leighton, OSLA

**Counsel for the Respondent:**

Alan Gutman, AAS/ALD/OHR

## **Introduction**

1. This Order retracts and replaces Order No. 073 (NBI/2020 which was erroneously published on 23 April 2020.

2. The Tribunal recalls that on 16 January 2020, it held a case management discussion (CMD) in order to clarify the parties' positions. Among others, the parties informed the Tribunal that the Applicant had taken up a position with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo ("MONUSCO") after filing his application. The Tribunal recalled, moreover, that a similar UNDT case of *Colati*<sup>1</sup> was scheduled to be decided in the upcoming session of the Appeals Tribunal.

## **ORDER**

3. Noting that relevant facts in the present case may differ from those in *Colati*, and to expedite the resolution of the case, the Tribunal directs the Respondent to submit information on the following:

- a. Whether the selection of the Applicant for the current position with MONUSCO was done through a competitive process involving a review by a Secretariat review body in accordance with ST/SGB/2011/9 on Continuing appointments.
- b. Since the Applicant was placed on the roster for a P.4 position in the Secretariat; and the Respondent maintains that such a placement was not done after a review by the Secretariat review body, what was the basis for such a placement.

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<sup>1</sup> UNDT/NBI/2017/102, UNDT/NBI/2018/038.

- c. Whether prior to taking up the current position, the Applicant had been separated and paid on account of termination indemnity, repatriation grant or commutation of accrued annual leave.
4. The above information shall be furnished by **30 April 2020**.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 24<sup>th</sup> day of April 2020

Entered in the Register on this 24<sup>th</sup> day of April 2020

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi