



Before: Judge Margaret Tibulya

Registry: Nairobi

Registrar: Abena Kwakye-Berko

ASLAM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S
MOTION TO CONSIDER
RECEIVABILITY AS A PRELIMINARY
ISSUE**

Counsel for the Applicant:

Marcos Zunino, OSLA

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Roseangela Adamo, AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant serves on a continuing appointment at the P-5 level as the Chief Procurement Officer at the United Nations African Union Hybrid Operation in Darfur (“UNAMID”).

The application

2. On 31 March 2020, the Applicant filed an application before the United Nations Dispute Tribunal in Nairobi to challenge the Respondent’s decision to reject his claim for compensation under Appendix D of the United Nations Staff Rules and Regulations as time-barred. The decision was made by the Claims and Entitlements team at the Kuwait Joint Support Office.

3. On 30 April 2020, the Respondent filed a motion for receivability to be determined as a preliminary issue, and with that for the deadline for his submissions on the merits to be deferred.

4. On 5 May 2020, the Tribunal issued Order No. 087 (NBI/2020) granting the motion and deferred the filing of the deadline for the Respondent’s reply until receivability has been determined. The Tribunal also directed the parties to make further submissions on a series of issues.

5. Both parties complied with directions in Order No. 087 (NBI/2020) and filed their respective submissions on 11 May 2020.

Considerations

6. The Tribunal has carefully reviewed the parties’ submissions in this matter and finds that this application is receivable.

7. The Tribunal’s reasons for this finding will form part of the judgment that will be rendered at the conclusion of proceedings.

8. The Respondent is directed to file his reply on the merits of the application by **Friday, 6 November 2020.**

(Signed)

Judge Margaret Tibulya

Dated this 6th day of October 2020

Entered in the Register on this 6th day of October 2020

(Signed)

Eric Muli, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi