



UNITED NATIONS DISPUTE TRIBUNAL

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Case Nos.: UNDT/NBI/2020/020  
Order No.: 207 (NBI/2020)  
Date: 20 October 2020  
Original: English

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**Before:** Judge Margaret Tibulya  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

SOBIER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CASE MANAGEMENT**

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**Counsel for the Applicant:**  
Victor Rodriguez

**Counsel for the Respondent:**  
Maureen Munyolo, AAS/ALD/OHR, UN Secretariat  
Nicole Wynn, AAS/ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant serves on a continuing appointment at the P-4 level as an Engineer at the United Nations Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA).

## **The application**

2. On 14 March 2020, the Applicant filed an application before the United Nations Dispute Tribunal in Nairobi to challenge the Respondent's decision to not roster him following a selection exercise for generic job opening ("GJO") #94302.

3. On 30 April 2020, the Respondent filed his reply to the application. It is the Respondent's case that the Applicant was given full and fair consideration in the selection exercise, and that he was not rostered because he failed the competency based interview.

4. On 20 October 2020, the parties met for a case management discussion. The Tribunal sought the parties' views on their willingness to resolve this matter *inter partes*, the need for an oral hearing and whether there are additional matters that need considering before this matter is adjudicated upon.

## **The Discussion**

5. Both parties took the position that this matter cannot be settled *inter partes*. The parties also took the common position that an oral hearing will not be necessary and that the matter can be decided on the basis of their respective written submissions.

6. In respect of their submissions, the Respondent sought leave to file further submissions and additional documentation which was not available to them at the time of the filing of the reply. The Respondent also moved for Annex 11 to the

application to be made available to them, as it is currently filed *ex parte*. The Applicant did not object to either of these requests.

7. The Applicant sought leave to file a response to the reply. The Respondent agreed.

## **ORDERS**

8. The Tribunal makes the following **ORDERS**:

- i. The Registry is **DIRECTED** to serve a copy Annex 11 to the application, currently marked *ex parte*, on the Respondent;
- ii. The Respondent will file his submissions and additional documents by **28 October 2020**; and
- iii. The Applicant will file his submissions in response to the reply by **13 November 2020**.

*(Signed)*

Judge Margaret Tibulya

Dated this 20<sup>th</sup> day of October 2020

Entered in the Register on this 20<sup>th</sup> day of October 2020

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi