



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2020/024
UNDT/NBI/2020/062
Order No.: 223 (NBI/2020)
Date: 5 November 2020
Original: English

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

ASLAM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

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 had been determined. The Tribunal also directed the parties to make further submissions on a series of issues.

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

6. On 6 October 2020, the Tribunal issued Order No. 196 (NBI/2020) finding Case No. UNDT/NBI/2020/024 receivable.

7. On 14 October 2020, the parties met for a case management discussion. The Tribunal asked for their views pertaining to consolidation of UNDT/NBI/2020/024 and UNDT/NBI/2020/062 seeing as both cases stem from the same set of facts and seek the same relief. The Tribunal also sought the parties’ views on their willingness

to resolve this matter *inter partes* and/or whether they would prefer that this matter be referred to the United Nations Ombudsman and Mediation Services (“UNOMS”) for resolution of this dispute without recourse to further litigation.

8. On 16 October 2020, the Tribunal issued Order No. 204 (NBI/2020) consolidating the two cases and directing the parties to engage in settlement discussions, with or without the assistance on UNOMS.

9. The parties have informed the Tribunal that the Respondent has taken the position that he “does not believe that the case is amenable to a settlement.”

ORDER

10. To this end, the Tribunal makes the following **ORDERS**:

- i. That the suspension of proceedings ordered in Order No. 204 (NBI/2020) is hereby vacated;
- ii. The parties are **DIRECTED** to jointly submit on whether this matter requires an oral hearing or may be adjudicated on the basis of their written submissions by **13 November 2020**.

(Signed)

Judge Margaret Tibulya

Dated this 5th day of November 2020

Entered in the Register on this 5th day of November 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi