



Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

OTUNGA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON WITHDRAWAL OF
PROCEEDINGS**

Counsel for Applicant:

Evelyn W. Kamau, OSLA

Counsel for Respondent:

Cynthia Cline, ECA

Introduction

1. As at 16 August 2021, when he filed his application, the Applicant was serving as an Assistant Telecommunications Officer at the United Nations Office in Nairobi (“UNON”). He serves on a fixed-term appointment.
2. The Applicant, by motion filed on 3 September 2021, sought the Tribunal’s authorisation to discontinue and withdraw his application. The said motion is determined by this Order.

Procedural History

3. On 16 August 2021, the Applicant filed an application challenging the Administration’s decision to withdraw his selection for the position of P-3 Telecommunications Engineer, JO 108822 at the Economic Commission for Africa (“ECA”), in Addis Ababa, Ethiopia (“impugned decision”).
4. At the time of filing the application, discussions to try to resolve the issue informally were ongoing through the Management Evaluation Unit and as such no Evaluation Letter had been issued.
5. In his motion, the Applicant informs the Tribunal that the parties have now resolved the issues informally by way of a confidential settlement agreement signed on 29 August 2021.

Deliberations and Order

6. The Tribunal commends and congratulates the parties for undertaking informal settlement discussions and resolving this matter without recourse to further litigation.
7. The Tribunal hereby RECORDS the contents of the Applicant’s motion for leave to withdraw his application and ORDERS that the matter of *Otunga v Secretary-General of the United Nations* (UNDT/NBI/2021/069) be struck of the Tribunal’s docket.

Case No. UNDT/NBI/2021/069

Order No. 189 (NBI/2021)

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 17th day of September 2021

Entered in the Register on this 17th day of September 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi