



Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

MUKHOPADHYAY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

CASE MANAGEMENT ORDER

Counsel for the Applicant:

George Irving

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Maureen Munyolo, AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant held a continuing appointment with the United Nations. He served as an Engineer at the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”) at the P-4 level and was based in Goma, Democratic Republic of the Congo.

Procedural History

2. On 2 November 2020, the Applicant challenged the Respondent’s decision not to pay him three months’ salary *in lieu* of notice of the termination of his appointment. It is the Applicant’s case that he was entitled to this payment based on the rules and regulations of the Organization governing the termination of continuing appointments. He also alleges a measure of arbitrariness on the part of the Respondent, in that some staff members of the Mission had their appointments extended after having challenged the decisions to separate them from service.

3. The Respondent replied to the application on 14 December 2020.

4. It is the Respondent’s case that the Applicant is not entitled to the relief he seeks. He had 14 months’ notice prior to termination of his appointment. The Applicant was paid his full salary, benefits, and entitlements during the notice period, and was on special leave with full pay during some of that period.

DIRECTIONS

5. Having carefully reviewed the parties’ submissions in this case, the Tribunal firmly believes that the nature of the dispute being litigated lends itself suitable for *inter partes* settlement discussions.

6. The Tribunal therefore **DIRECTS** the parties to confer and advise on the likelihood of this matter being resolved between them without recourse to further litigation by **1 October 2021**.

7. In the event that settlement discussions are unsuccessful, the Tribunal DIRECTS the Applicant to file his closing submissions by **8 October 2021**.

8. Thereafter, the Tribunal's decision will be made based on the documents and submissions on record.

(Signed)

Judge Eleanor Donaldson-Honeywell

Dated this 20th day of September 2021

Entered in the Register on this 20th day of September 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi