



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/014
Order No.: 208 (NBI/2021)
Date: 1 October 2021
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: Nairobi

Registrar: Abena Kwakye-Berko

GARBA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Sètondji Roland Adjovi, *Etudes Vihodé*

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat
Maureen Munyolo, AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a former Disarmament, Demobilization and Reintegration (“DDR”) Officer, working with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”), based in Kinshasa.¹
2. On 15 February 2021, he filed an application before the Dispute Tribunal contesting what he describes as MONUSCO’s purported email “decision” of 8 October 2020 to not pay him three months’ salary in lieu of notice of the termination of his appointment.²
3. The Respondent filed a reply on 18 March 2021 in which it is argued, *inter alia*, that the application is not receivable.
4. By Order No. 201 (NBI/2021), the Tribunal directed the Applicant to file a response to the reply specifically on the issue of receivability, as argued by the Respondent.
5. On 30 September 2021, the Applicant complied and filed the submissions. In his response, the Applicant, *inter alia*, submits that the three months’ salary in lieu of notice is a right and there is no room for him to waive such a right through settlement. He further submits that he is aware of other staff members, in a similar situation like his, who were paid the three months’ salary in lieu of notice.

ORDER

6. On or before **2.00 p.m. on Friday, 8 October 2021**, the Respondent shall file a reply to the Applicant’s submissions in response to Order No. 201 (NBI/2021) and specifically clarify the amount of payments made to other staff members representing three months’ salary in lieu of notice.

¹ Application, section I.

² Application, section V.

(Signed)

Judge Alexander W. Hunter, Jr.
Dated this 1st day of October 2021

Entered in the Register on this 1st day of October 2021

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi