



Before: Judge Agnieszka Klonowiecka-Milart

Registry: Nairobi

Registrar: Abena Kwakye-Berko

NYAKAIRU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S MOTION
FOR LEAVE TO WITHDRAW HER
APPLICATION**

Counsel for the Applicant:
Jacqueline Lule, OSLA

Counsel for the Respondent:
Saidou N'Dow, UN-Habitat

Introduction

1. The Applicant is a former staff member of the United Nations Human Settlements Programme (“UN-Habitat”). She commenced her retirement effective 31 July 2021.¹

2. By an application filed on 9 March 2022, she challenges a decision she terms as the Administration’s continued delay and failure to pay her special post allowance (“SPA”), or in the alternative an *ex-gratia* payment, for the higher level functions she performed while serving as: (i) Officer-in-Charge (“OiC”), Donor Relations and Income Management at the Division of Operations from 2016 to 2020; (ii) OiC, External Relations and Partnerships Branch from January 2020 to 31 July 2021 (retirement date); and (iii) the Administration’s continued failure to advertise or regularize the two positions, thereby denying her the related benefits of being appointed to either of the positions including calculation of pension benefit entitlement.²

3. The Respondent filed a reply on 19 April 2022, in which it is argued that the application is lacking in merit, and that it should be dismissed in its entirety.

4. On 27 September 2022, the Applicant filed a rejoinder to the Respondent’s reply.

5. On 24 November 2022, the Tribunal held a case management discussion (“CMD”). At the CMD, the parties informed the Tribunal that they were undertaking informal settlement negotiations.

6. On 5 December 2022, the Applicant filed a motion for leave to withdraw her application stating that she seeks to withdraw all her allegations and claims before the Dispute Tribunal with respect to this case.

¹ Application, section I.

² Application, section V.

ORDER

7. The Tribunal commends the parties for having resolved this matter *inter partes*.
8. The Tribunal hereby ORDERS that Case No. UNDT/NBI/2022/028 be struck off its docket.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 6th day of December 2022

Entered in the Register on this 6th day of December 2022

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi