



Before: Judge Francesco Buffa, Duty Judge

Registry: Nairobi

Registrar: Abena Kwakye-Berko

KHAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Salim U. Shaikh

Counsel for the Respondent:

Alister Cumming, UNICEF

Introduction

1. The Applicant filed an application on 10 January 2023 to challenge a decision by the United Nations Children’s Fund (“UNICEF”) to impose on him the disciplinary measure of dismissal, in accordance with staff rule 10.2(a)(ix).

2. The Respondent filed a reply on 9 February 2023 in which he contests the receivability of the application and submits that should the Tribunal find the application receivable, it should be rejected on the merits because there is clear and convincing evidence of the Applicant’s misconduct.

Case management

3. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

4. Having taken into consideration the pleadings of the parties, the Tribunal has concluded that the Applicant should be given an opportunity to comment on the Respondent’s reply. Should further clarification be required, the parties will be informed of the date for a case management discussion (“CMD”) once the case is assigned to a judge for adjudication.

ORDERS

5. On or before 24 March 2023, the Applicant shall provide a response to the Respondent’s reply. The response should specifically address the Respondent’s submissions on receivability with documentary evidence. When addressing the merits, the Applicant should state whether he wishes to adduce evidence, from documents or persons, for any contested facts.

Case No. UNDT/NBI/2023/008

Order No.: 044 (NBI/2023)

(Signed)

Judge Francesco Buffa

Dated this 16th day of February 2023

Entered in the Register on this 16th day of February 2023

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi