



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/061
Order No.: 050 (NBI/2023)
Date: 20 February 2023
Original: English

Before: Judge Francesco Buffa
Registry: Nairobi
Registrar: Abena Kwakye-Berko

MATHEW

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:
Manuel Calzada

Counsel for the Respondent:
Nicole Wynn, AS/ALD/OHR, UN Secretariat
Fatuma Mninde-Silungwe, AS/ALD/OHR, UN Secretariat

Introduction

1. On 13 July 2022, the Applicant filed an application before the Dispute Tribunal challenging the decisions to reassign him from Chief of Office post to the Special Political Advisor post, with changes in his functions, and his non-selection for the Temporary Job Opening of Chief of Office, Political Affairs.

2. The Respondent filed a reply on 17 August 2022 in which it is argued that the application is not receivable and, in any case, lacks merit.

3. By Order No. 038 (NBI/2023), issued on 15 February 2023, the Tribunal observed that the contested decision was to be of a temporary nature and ought to have been reviewed effective 1 January 2023. By the same order, the parties were directed to inform the Tribunal on the outcome of the said review. If any review took place, the Applicant was directed to inform the Tribunal if his concerns were addressed and whether or not he still wanted to pursue this case.

4. On 16 February 2023, in response to Order No. 038 (NBI/2023), the Respondent informed the Tribunal that the Applicant had resumed his functions as Chief of Office of Political Affairs effective 16 January 2023.

5. On 20 February 2023, the Applicant confirmed that he had returned to his functions. He however, indicated that the resumption of his functions does not remedy the public humiliation and stress that he suffered, and the expenses incurred. The damage caused to him due to the contested decision needs to be addressed.

Consideration

6. The Tribunal notes that the issue of the contested decision has been addressed. The only outstanding matter is in relation to the damages as requested by the Applicant.

ORDERS

7. On or before **27 February 2023**, the parties shall address the Tribunal on the issue of the damages as claimed by the Applicant.

8. The parties are further directed to file their closing submissions by the same date. The submissions shall not exceed five pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Francesco Buffa

Dated this 20th day of February 2023

Entered in the Register on this 20th day of February 2023

(Signed)

Eric Muli, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi