



Before: Judge Sean Wallace
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

NDUATI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Namada Simoni

Counsel for Respondent:

Nisha S. Valabhji, UNON

Introduction

1. The Applicant filed an incomplete application on 14 November 2023. After several reminders by the Registry, her application was completed on 30 April 2024. The Applicant contests what she terms as “termination of employment through constructive dismissal”.

2. The Respondent filed a reply on 23 May 2024, in which it is argued that the application is not receivable *ratione materiae* and *ratione temporis*. The Respondent contends that the application was submitted outside the time frame for filing applications before the Management Evaluation Unit (as it then was) and currently known as the Management Advice and Evaluation Section.

Consideration

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 and more specifically address the receivability issues raised by the Respondent.

Conclusion

5. In view of the foregoing, it is ORDERED THAT:

a. On or before **28 June 2024**, the Applicant shall file a response to the reply and more specifically address the receivability issues raised by the Respondent.

b. The submissions shall not exceed five pages, in font Times New Roman, font size 12, line spacing of 1.5 lines.

Case No. UNDT/NBI/2023/081

Order No. 60 (NBI/2024)

(Signed)

Judge Sean Wallace

Dated this 28th day of May 2024

Entered in the Register on this 28th day of May 2024

(Signed)

Eric Muli, Legal Officer, for René M. Vargas M., Officer-in-Charge, Nairobi