



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

HANDY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
THE RESPONDENT'S MOTION
TO HAVE RECEIVABILITY
DETERMINED AS A
PRELIMINARY MATTER**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Nisha Patel, AS/ALD/OHR, UN Secretariat
Nasuru Magomu, AS/ALD/OHR, UN Secretariat

Introduction

1. On 31 March 2024, the Applicant, a former P-4 Political Affairs Officer at the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, filed an application regarding the “[r]efusal to [e]xpunge” a disciplinary sanction letter dated 2 November 2021 from his human resources records; the “breach” of a settlement and release agreement due to the early termination of his fixed-term contract; the “failure to pay salary, compensation, repatriation [g]rant, [and] reinstatement grant”; and “cruel and unjust treatment” by the United Nations Administration.

2. The deadline for the Respondent’s reply is 2 August 2024.

3. On 16 July 2024 the Respondent filed a motion requesting the Tribunal to (i) determine the receivability of the application as a preliminary matter under art. 19 of the Rules of Procedure, and (ii) suspend the Respondent’s deadline of 2 August 2024 to file a reply to the application pending the Dispute Tribunal’s determination on the motion.

Consideration

4. Pursuant to art. 19 of the UNDT Rules of Procedure, the Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction that appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

5. Further, in accordance with paras. 4 and 6 of UNDT Practice Direction No. 5, on filing of motions and responses:

4. All requests to the Tribunal for orders, directions, interim measures and other interlocutory determinations shall be made by motion stating the grounds relied on for the determination sought unless otherwise provided in the Statute or Rules of Procedure of the Tribunal.

6. Where the motion is contested, either as to law or fact, the opposing party may file a response. Unless otherwise directed by the Tribunal, a response to a motion filed by a party shall be filed within five working days of service of the motion on that party.

Conclusion

6. In view of the foregoing, it is ORDERED THAT:
- a. The Applicant shall file any response to the motion by **Friday, 9 August 2024**; and
 - b. The deadline for the Respondent to file a reply to the application is extended to **Friday, 9 August 2024**.

(Signed)
Judge Sean Wallace (Duty Judge)
Dated this 31st day of July 2024

Entered in the Register on this 31st day of July 2024
(Signed)
René M. Vargas M., Officer-in-Charge, Nairobi