



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/NBI/2024/072
Order No.:	20 (NBI/2025)
Date:	25 February 2025
Original:	English

Before: Duty Judge
Registry: Nairobi
Registrar: Wanda L. Carter

MUGOYI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S
MOTION FOR RECEIVABILITY TO
BE DETERMINED AS A
PRELIMINARY ISSUE**

Counsel for Applicant:

Julia Kyung Min Lee, OSLA

Counsel for Respondent:

Wei Zhuang, DAS/ALD/OHR, UN Secretariat

Talha Konukpay, DAS/ALD/OHR, UN Secretariat

Introduction and procedural history

1. On 27 November 2024, the Applicant, a former Associate Disarmament, Demobilization and Reintegration Officer with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”), filed an application contesting the decision to delay the issuance of his personnel payroll clearance action form (“P.35”) and notification to the United Nations Joint Staff Pension Fund form (PF.4 form).
2. The deadline for the filing of the Respondent’s reply was 3 January 2025.
3. On 20 December 2024, the Respondent filed a motion requesting the Tribunal to: (i) determine the receivability of the application as a preliminary matter and thereafter dismiss it; and (ii) suspend the Respondent’s deadline for the filing of the reply pending the determination of the motion.
4. On 23 December 2024, the Tribunal issued Order No. 172 (NBI/2024) directing the Applicant to file a rejoinder on the issue of receivability by 6 January 2025. The deadline for the reply was also suspended pending the determination of the motion.
5. On 31 December 2024, the Registry informed the Applicant that the Tribunal had granted an extension of time (until 25 January 2025), to file the rejoinder. The rejoinder was filed on 27 January 2025.¹

Consideration

6. The Tribunal has carefully considered the parties’ arguments and is not persuaded that the facts make this matter suitable for receivability to be determined as a preliminary matter.

¹ Article 34(b) of the UNDT Rules of Procedure provides that the time limits prescribed in the rules of procedure shall include the next working day of the Registry when the last day of the period is not a working day. In this case the next working day was 27 January 2025 because 25 January 2025 was a non-working day.

Conclusion

7. Having considered the parties' submissions, the Tribunal ORDERS:
- a. The Respondent's motion to determine receivability as a preliminary matter is DENIED;
 - b. The Respondent will file his reply to the application by **5 p.m.** (Nairobi time) on **Monday, 3 March 2025**; and
 - c. A Case Management Discussion ("CMD") shall be held before 7 March 2025. The parties shall clear a convenient date/time for the CMD with each other and the Registry. Counsel shall communicate the selected date/time to the Registry by **28 February 2025**.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 25th day of February 2025

Entered in the Register on this 25th day of February 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi