



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/055
Order No.: 147 (NBI/2025)
Date: 1 September 2025
Original: English

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

KONAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for the Applicant:

Self-represented

Counsel for the Respondent:

Nisha Patel, AS/ALD/OHR
Charlene Ndirangu, AS/ALD/OHR

Introduction and Procedural History

1. The Applicant was a P-3 Legal Officer with the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), until he was separated on 30 November 2024, due to downsizing and the closure of the mission.

2. On 19 May 2025, he filed an application with the United Nations Dispute Tribunal sitting in Nairobi challenging a decision to cancel, and subsequently not select him, on a recruit-from-roster job opening for a P-3 Legal Affairs Officer in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The Applicant submits that due to his downsize status, he was entitled to priority consideration for recruitment, and that the Administration had an obligation to place him on the position.

3. The Respondent filed a reply to the application on 20 June 2025, in which he submits that this application is not receivable as being “outside the Dispute Tribunal’s subject matter jurisdiction”. The Respondent avers that the cancellation of the job opening is not a final administrative decision which is in non-compliance with the Applicant’s employment contract.

4. The Respondent further submits that should the application be considered receivable, the decision to cancel the job opening was lawful under the Administration’s wide discretion in staff selection matters. The Respondent requests that the application be dismissed in its entirety.

5. Per Order 92 (NBI/2025), issued on 24 June 2025, the Tribunal permitted the Applicant to respond to the Respondent’s reply, particularly on the issue of receivability.

6. On 24 July 2025, the Applicant filed its rejoinder arguing that the application was receivable in that the Hiring Manager’s decision to place him in a “not suitable” disposition “produced direct legal consequences affecting [his] rights as a downsized candidate”.

7. He further avers that the decision was unlawful, as under the “downsizing AI”, the Administration has the obligation and responsibility to select a downsized candidate meeting the criteria for the job opening.

Consideration

8. The Tribunal has reviewed the parties’ submissions and considers itself fully briefed. The relevant facts in the present case are clear, and the matter can be determined on the basis of the documents on record.

9. Therefore, in the interest of a fair and expeditious disposal of the case, the parties are directed to file closing submissions, if they so choose, addressing the points raised in each other’s filings.

Conclusion

10. In view of the foregoing, the Tribunal ORDERS:

- a. The parties will file their respective closing submissions by **5 p.m. (Nairobi time) on Monday, 15 September 2025.**
- b. The closing submissions shall not exceed five pages each (excluding the cover and signature pages), in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 1st day of September 2025

Entered in the Register on this 1st day of September 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi