



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2015/033

Order No.: 160 (NY/2015)

Date: 22 July 2015

Original: English

Before: Judge Goolam Meeran

Registry: New York

Registrar: Hafida Lahiouel

FAYE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Alan Gutman, ALS/OHRM, UN Secretariat
Elizabeth Gall, ALS/OHRM, UN Secretariat

Introduction

1. By Order No. 153 (NY/2015), dated 20 July 2015, the parties were ordered to attend a case management discussion (“CMD”) to discuss the factual and legal issues arising in Cases No. UNDT/NY/2014/087 and UNDT/NY/2015/033 and to give any directions or orders that may be necessary for an expeditious and just disposal of the cases.

2. At the CMD, the Tribunal strongly advised the Applicant to consider the issues of law raised by the Respondent in his reply to the applications and to read the case law cited therein. He was advised to then consider whether he is in a position to advance any persuasive arguments regarding the jurisdiction of the Tribunal to consider his claims.

3. The Applicant was advised that if he wishes to proceed with his claims, notwithstanding the advice received from the Tribunal, and he is unable to present an effective challenge to the legal contentions of the Respondent, which are supported by clear rulings from the United Nations Appeals Tribunal, he may face an order for costs under art. 10.6 of the Dispute Tribunal’s Statute, which states:

Where the Dispute Tribunal determines that a party has manifestly abused the proceedings before it, it may award costs against that party.

4. The Tribunal asked the Applicant to indicate whether he wished to continue with his claims or take time to reflect on the guidance provided by the Tribunal. The Applicant indicated that he wished to pursue his claims. The Tribunal asked the Applicant whether he wished to make any further submissions in light of the advice given by the Tribunal. He confirmed that he did.

IT IS ORDERED THAT:

5. The Applicant is granted leave to file any submissions in addition to those he has already provided in response to the Respondent's reply by **5:00 p.m.** on **Wednesday, 29 July 2015.**
6. This case is not subject to an order for combined proceedings with Case No. UNDT/NY/2014/087 and will be considered separately on its individual merits.

(Signed)

Judge Goolam Meeran

Dated this 22nd day of July 2015