



Before: Duty Judge
Registry: New York
Registrar: Nerea Suero Fontecha

MALLICK

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON SUSPENSION OF PROCEEDINGS

Counsel for Applicant:
Daniel Trup, OSLA

Counsel for Respondent:
Thomas Jacob, UNDP

Introduction

1. On 27 November 2018, the Applicant, the former Deputy Resident Representative for the United Nations Development Programme (“UNDP”) based in Georgetown, Guyana, filed an application contesting the Administration’s decision not to renew her fixed-term appointment beyond the expiration date of 16 August 2018.

2. By Order No. 239 (NY/2018) dated 10 December 2018, the Tribunal granted a joint request from the parties to suspend the proceedings until 31 December 2018 pending discussions to resolve this matter amicably.

3. By Order No. 2 (NY/2019) dated 3 January 2019, the Tribunal granted a further joint request to suspend the proceedings until 31 January 2019 pending discussions to resolve this matter amicably.

4. By Order No. 26 (NY/2019) dated 1 February 2019, the Tribunal granted a further joint request to suspend the proceedings until 28 February 2019 and requested the parties to inform the Tribunal, by 28 February 2019, as to the progress of the mediation discussions and/or whether this case has been resolved.

5. On 28 February 2019, the parties filed a joint motion for a further suspension of the proceedings, informing the Tribunal that “the [p]arties are currently engaged in fruitful discussions and are continuing to actively seek the informal resolution of this matter. In view of the foregoing, the [p]arties wish to request an extension of the suspension of the proceedings to enable the [p]arties to continue pursuing an informal resolution of this matter. ... Without prejudice to the rights of either party, the Applicant and the Respondent respectfully request that the suspension of the present matter be extended through 28 March 2019”.

Consideration

6. Article 10.1 of the Dispute Tribunal's Statute provides that "[t]he Dispute Tribunal may suspend proceedings in a case at the request of the parties for a time to be specified by it in writing".

7. Taking into consideration the parties' request to suspend the proceedings in order to continue the process of informal resolution of the present case, the proceedings before the Tribunal are suspended until 28 March 2019.

8. The Tribunal commends both parties for their good faith efforts aimed at resolving this case amicably. Such efforts should be encouraged as the amicable resolution of cases saves the Organization valuable resources.

9. In light of the foregoing,

IT IS ORDERED THAT:

10. The parties' joint request for suspension of the proceedings is granted and the proceedings before the Tribunal are suspended until **28 March 2019**;

11. By **4:00 p.m. on Thursday, 28 March 2019**, the parties are to inform the Tribunal as to the progress of the informal discussions and/or whether this case has been resolved. In the latter event, the Applicant shall confirm to the Tribunal, in writing, that her application is withdrawn fully, finally and entirely, including on the merits.

(Signed)

Judge Alexander W. Hunter, Jr. (Duty Judge)

Dated this 1st day of March 2019