



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2016/045-
R.1
Order No.: 123 (NY/2019)
Date: 29 August 2019
Original: English

Before: Judge Joelle Adda
Registry: New York
Registrar: Nerea Suero Fontecha

CHHIKARA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Steven Dietrich, ALD/OHR, UN Secretariat

Introduction

1. By Order No. 110 (NY/2019) dated 22 July 2019, the Tribunal decided to allow the Applicant's submission of 6 December 2018 despite having been filed after the time limit set out in Order No. 205 (NY/2018) taking into account that he only had two days to file such submission following the Respondent's 28 November 2018 filing. Furthermore, with reference to *Chhikara* 2017-UNAT-792, paras. 41 and 46, the Tribunal ordered, by 14 August 2019, the Respondent to provide his observations and, as relevant, additional responses and documentation as per paras. 17 and 18 of the Applicant's submission of 6 December 2018. The parties were thereafter to file their respective written closing statements on 4 September (the Applicant), 18 September (the Respondent) and 25 September 2019 (the Applicant) after which the Tribunal would decide the case on the papers before it.

2. On 14 August 2019, the Respondent filed his submission as per Order No. 110 (NY/2019) appending documentation.

3. Without prior leave from the Tribunal, on 22 August 2019, the Applicant filed a motion for the Respondent to produce additional written documentation. In the Applicant's motion, he requests that (para. 13).

... Since the Respondent has not complied with above-mentioned order of 20 Oct 2016 in its entirety so far, Honorable Tribunal is requested to order the Respondent to produce 'marks awarded to candidates by each of the Panel members in part two of the test'.

4. Furthermore, the Applicant makes the following additional request (para. 17),

... The Respondent has previously asserted that the 25 Situational Judgment questions were meant to test the five Competencies specified in this Job Opening. In order to resolve this variation in opinion, the Respondent may please be ordered to specify the

‘Competency’ and corresponding ‘Indicator’ that each of the 25 Situation Judgment questions was meant to assess. Appellant has made this request to Honorable Tribunal earlier as well. Such identification of specific ‘Indicator’ of the Competency being tested by each Situational Judgment question by [the Hiring Manager] would help lift the cloud of ambiguity regarding ‘validity and reliability’ of each situational judgment question as well.

Consideration

5. In principle, the Tribunal finds that the present case is already fully briefed. Furthermore, the Tribunal notes that at the closing stage of the proceedings, the parties are not to file any further motions without prior leave from the Tribunal.

6. However, taking into the Appeal Tribunal’s judgment in *Chhikara* 2017-UNAT-792 and the reasons provided for remanding the case as well as the particular circumstances of the present case, the Tribunal will allow the Applicant’s motion of 22 August 2019 and make the corresponding variations to Order No. 110 (NY/2019). The parties will thereafter file their written closing statements after which the Tribunal will decide the case on the papers before it. The Tribunal further notes that the closing statements are solely to be based on the documentation included in the case record and that no further evidence is to be submitted.

IT IS ORDERED THAT:

7. The Applicant’s motion of 22 August 2019 is allowed;

8. By **4:00 p.m. on Friday, 6 September 2019**, the Respondent is to file his response and, as relevant, additional documentation as per paras. 13 and 17 of the Applicant’s 22 August 2019 submission;

9. By **4:00 p.m. on Friday, 20 September 2019**, the Applicant is to file his closing statement, which is to be five pages maximum, using Times New Roman, font 12 and 1.5 line spacing;

10. By **4:00 p.m. on Friday, 4 October 2019**, the Respondent is to file his closing statement responding to the Applicant's closing statement and maximum be five pages, using Times New Roman, font 12 and 1.5 line spacing;

11. By **4:00 p.m. on Friday, 11 October 2019**, the Applicant is to file his final observations responding to the Respondent's closing statement, which is to be two pages maximum, using Times New Roman, font 12 and 1.5 line spacing.

(Signed)

Judge Joelle Adda

Dated this 29th day of August 2019