



Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

DOLGOPOLOV

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Jenny Kim, AS/ALD/OHR, UN Secretariat

Introduction

1. On 30 January 2022, the Applicant, an Associate Administrative Officer with the Department of Operational Support (“DOS”), filed an application contesting his non-selection for the temporary job opening of Administrative Officer at the P-3 level with the United Nations Human Settlements Programme (“UN-Habitat”) in Nairobi, Kenya (“the TJO”).

2. On 2 March 2022, the Respondent filed his reply, and on 11 March 2022, the Applicant filed a response to the reply.

3. By Order No. 113 (NY/2022) of 20 December 2022, the Tribunal ordered the Respondent to file further submissions on the selection process by 6 January 2023 and the Applicant to file a response to the Respondent’s submission by 20 January 2023. The Tribunal also informed the parties that unless otherwise ordered, by the filing of the Applicant’s 20 January 2023 submission, the Tribunal would adjudicate the case on the papers before it.

4. Both parties filed their submissions as per Order No. 113 (NY/2022).

5. On 16 February 2023, the Respondent filed a motion for leave to comment on the Applicant’s 20 January 2023 submission.

6. On 19 February 2023, the Applicant objected to the Respondent’s motion and requests the Tribunal to strike it from the record.

Consideration

7. The Tribunal reviewed the Respondent’s motion and notes that it does not bring any new evidence. The Tribunal is fully aware of the applicable legal framework to the administration of temporary appointments and the relevant jurisprudence including the UNAT’s ruling in *Chhikara* 2020-UNAT-1014. Furthermore, the Tribunal considers that the case record is complete and that the case is ready for adjudication as indicated in its Order No. 113 (NY/2022). Therefore, no more pleadings will be accepted.

8. Having said the above, the Tribunal notes that in his submission of 19 February 2023, the Applicant requests the Tribunal to refer Counsel for the Respondent to the Secretary-General under art. 10.8 of its Statute “for the enforcement of accountability for intentionally violating the Tribunal’s explicit instructions” in Order No. 113 (NY/2022).

9. The Tribunal notes the Applicant’s request but does not consider it necessary, at this stage, to refer Counsel for the Respondent for a possible action to enforce accountability under art. 10.8 of its Statute.

IT IS ORDERED THAT

10. The Respondent’s motion of 16 February 2023 is denied.

11. The Applicant’s request of 19 February 2023 is granted except for the referral for accountability as indicated in para. 9 above.

12. No further submissions will be accepted, and the Tribunal will proceed to adjudicate the case on the papers before it.

(Signed)

Judge Joelle Adda

Dated this 23rd day of February 2023