



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/021

Order No.: 059 (NY/2023)

Date: 20 July 2023

Original: English

Before: Duty Judge

Registry: New York

Registrar: Isaac Endeley

MARCHETTI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:
Robbie Leighton, OSLA

Counsel for Respondent:
Halil Göksan, AS/ ALD/OHR, UN Secretariat

Introduction

1. On 10 July 2023, the Applicant, an Administrative Assistant based in New York with the Department of Global Communications in the United Nations Secretariat, filed the application in which she contests the “[d]ecision not to grant [her] request under staff rule 3.17 for increase of step”.

2. On 18 July 2023, the Respondent filed a motion for summary judgment in which he, in essence, requests the Dispute Tribunal: (a) to grant his motion, (b) to dismiss the application in its entirety as not receivable, and (c) to suspend the Respondent’s deadline to file a reply pending the Tribunal’s determination of the motion.

Consideration

3. The Duty Judge notes that the Respondent claims that the application is not receivable, because the Applicant allegedly did not request management evaluation within the 60-day time limit under staff rule 11.2(c).

4. As a matter of judicial economy and with reference to art. 19.1 of the Rules of Procedure of the Dispute Tribunal, the Duty Judge decides that the issue of receivability is to be determined as a preliminary issue and therefore also suspends the deadline for the Respondent to file his reply in accordance art. 10.1 of the Rules of Procedure. In addition, the Applicant is to be allowed to file a submission in response to the Respondent’s motion on receivability. The issue of receivability, including the Respondent’s motion for summary judgment, will subsequently be decided by the Judge assigned to the case.

IT IS ORDERED THAT:

5. The Respondent’s motion is granted in part.

6. The deadline for the Respondent's reply is suspended until further notice from the Tribunal.

7. By **4:00 p.m. on Wednesday, 16 August 2023**, the Applicant is to file a response to the Respondent's submissions on receivability at a maximum of five pages, using Times New Roman, font 12 and 1.5 line spacing.

8. Unless otherwise ordered, the Tribunal will then adjudicate on the issue of receivability, including the Respondent's motion on summary judgment, and deliver Judgment based on the papers filed on record.

(Signed)

Judge Joelle Adda

Dated this 20th day of July 2023

Entered in the Register on this 20th day of July 2023

(Signed)

Isaac Endeley, Registrar, New York

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