



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/026

Order No.: 072 (NY/2023)

Date: 17 August 2023

Original: English

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**Before:** Duty Judge

**Registry:** New York

**Registrar:** Isaac Endeley

BEDI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**

James Glaysher

**Counsel for Respondent:**

Alister Cumming, UNICEF

Chinonyelum Esther Uwazie, UNICEF

## **Introduction**

1. On 9 August 2023, the Applicant, an Operations Manager with the United Nations Children’s Fund (“UNICEF”) in Morocco, filed an application in which she contests the “[c]omments left by [her] supervisor on [her] Performance Evaluation Report, dated 27 March 2023”.

2. On 16 August 2023, the Respondent filed a motion requesting the Dispute Tribunal to: (a) suspend the deadline for the Respondent’s reply pending the determination on receivability; and (b) determine receivability as a preliminary matter and dismiss the application.

## **Considerations**

3. The Duty Judge notes that the Respondent claims that the application is not receivable because the Applicant has already “received the remedy she sought in her management evaluation request of 25 May 2023” which was directed at only the “Contested Statement” in the Performance Evaluation Report (“PER”) form dated 27 March 2023 and specifically quoted in her management evaluation request. Accordingly, the Applicant’s request in relation to the entirety of her 2022 PER is not receivable *ratione temporis* as it was made “outside the deadline for submitting management evaluation requests”.

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 receivability is to be determined as a preliminary matter 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 submissions in response to the Respondent’s motion on receivability. The issue of receivability will subsequently be decided by the Judge to whom the case will be assigned.

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 Friday, 22 September 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 and deliver Judgment based on the papers filed on record.

*(Signed)*

Judge Joelle Adda

Dated this 17<sup>th</sup> day of August 2023

Entered in the Register on this 17<sup>th</sup> day of August 2023

*(Signed)*

Isaac Endeley, Registrar, New York