



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/007/T
Order No.: 032 (NY/2024)
Date: 19 March 2024
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

DIOUF NDIAYE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER
ON CASE MANAGEMENT

Counsel for Applicant:

Shubha Suresh Naik, OSLA

Counsel for Respondent:

Bettina Gerber, UNOG

Introduction

1. By Order No. 018 (NY/2024) dated 15 February 2024, the Tribunal dismissed the Applicant's request to remand the case back to the Advisory Board on Compensation Claims ("ABCC") to make a new determination on the eligibility for compensation under Appendix D for the alleged service-incurred death of her husband, as not receivable *ratione materiae*.

2. By the same Order, the Tribunal also determined that the Applicant's request for the award of damages related to the delay in reaching a decision by the ABCC as well as the Applicant's request to refer the matter to the Secretary-General for possible action to enforce accountability, were receivable.

3. The Tribunal then ordered the Respondent to file his reply on the merits "specifically regarding the Applicant's request for the award of damages relating to the delay in making a recommendation by the ABCC and in reaching a decision by the Controller".

4. Following the Tribunal's grant of a motion to extend the filing deadline, the Respondent duly filed his reply on 15 March 2024.

Considerations

5. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

6. Having reviewed the Respondent's submission in response to Order No. 018 (NY/2024), the Tribunal finds that it is in the interests of justice to grant the Applicant an opportunity to file a rejoinder on the issues of damages and accountability referral, if she so wishes.

7. In light of the above,

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IT IS ORDERED THAT:

8. By **4:00 p.m. on Thursday, 28 March 2024**, the Applicant is to file her rejoinder, if any, to the Respondent's reply of 15 March 2024. The rejoinder shall be eight pages maximum, using font Times New Roman, font size 12 and 1.5 line spacing, and should specifically address the Respondent's submission.

9. Upon receipt of the above-referred submission, unless otherwise ordered, the Tribunal will proceed to adjudicate the case and to render its judgment based on the papers before it.

(Signed)

Judge Joelle Adda

Dated this 19th day of March 2024

Entered in the Register on this 19th day of March 2024

(Signed)

Isaac Endeley, Registrar, New York