



**Before:** Duty Judge  
**Registry:** New York  
**Registrar:** Isaac Endeley

JEDIAN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**  
**ON RESPONDENT'S MOTION ON**  
**RECEIVABILITY**

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**Counsel for Applicant:**  
André Sirois

**Counsel for Respondent:**  
Tamal Mandal, AS/ALD/OHR/UN Secretariat

## **Introduction**

1. The Applicant, a Principal Political Affairs Officer with the United Nations Mission for the Referendum in Western Sahara (“MINURSO”), filed an application on 4 March 2024 contesting the decision of the Office of Internal Oversight Services (“OIOS”) not to pursue an investigation into a complaint he had filed.
2. The complete application was served on the Respondent on 7 March 2024 and the Respondent was instructed to file his reply by 8 April 2024.
3. On 19 March 2024, the Respondent filed a motion to have the receivability of the application determined as a preliminary matter. The Respondent also requested the Tribunal to suspend the deadline for the filing of his reply until the receivability is determined.

## **Considerations**

4. 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.
5. The Duty Judge has reviewed the Respondent’s motion and considers that it is premature at this stage of the proceedings to make a determination on the receivability of the application. It will be for the Judge of the Tribunal to whom the case will be assigned in due course to make such a determination. Accordingly, the motion stands to be rejected and the Respondent will be required to file his reply as previously instructed.
6. In light of the above,

Case No. UNDT/NY/2024/010

Order No. 033 (NY/2024)

IT IS ORDERED THAT:

7. The Respondent's motion to have receivability determined as a preliminary matter is rejected.

8. By **9:00 a.m. on Monday, 8 April 2024**, the Respondent is to file his reply as previously instructed.

*(Signed)*

Judge Joelle Adda

Dated this 20<sup>th</sup> day of March 2024

Entered in the Register on this 20<sup>th</sup> day of March 2024

*(Signed)*

Isaac Endeley, Registrar, New York