



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NY/2022/001  
UNDT/NY/2022/003  
Order No.: 112 (NY/2024)  
Date: 6 November 2024  
Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Isaac Endeley

PUMPYANSKAYA

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**  
**ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Robbie Leighton, OSLA

**Counsel for Respondent:**

Lucienne Pierre, AS/ALD/OHR, UN Secretariat

Nicola Esti Caon, DAS/ALD/OHR, UN Secretariat

## Introduction

1. By motions dated 23 February 2023 filed in the respective two cases (Case Nos. UNDT/NY/2022/001 and UNDT/NY/2022/003), Counsel for the Applicant requested a “stay in the proceedings” until his client would “recover from her sick leave” and be “able to return to work”.

2. By Order Nos. 015 and 016 (NY/2023) dated 24 February 2023, the Tribunal decided to suspend proceedings in both cases until the Applicant’s “health condition improved” and further instructed the Applicant to inform the Tribunal when it was “clear” that she could “return to work”.

3. Following the Tribunal subsequently inquiring with Counsel for the Applicant concerning the Applicant’s health condition, it decided to prolong the suspension of the proceedings.

4. By email of 14 May 2024 from the Registry, the Tribunal then wrote to Counsel for the Applicant that (emphasis in original omitted):

By email of 14 February 2024, you advised the Dispute Tribunal that your client’s treating physicians had recommended a further month of sick leave. You also indicated that the Applicant had suffered a deterioration in her condition and did not anticipate being able to reengage with the proceedings until April or May.

On behalf of the Tribunal, please indicate by ... 17 May 2024 whether the Applicant is now ready to resume the proceedings.

5. By email of 17 May 2024, Counsel for the Applicant responded that:

The Applicant is grateful for the suspension of these proceedings due to her health condition. She can confirm that her sick leave is currently recommended to be extended until 30 July 2024 but no decision has been made on grant.

The Applicant nonetheless stands ready to re-engage with the judicial process and is happy for the suspension to be lifted. She wishes to draw the attention of the Tribunal to a logistical issue as she is recommended to undergo inpatient treatment. The exact timing and period of this treatment is currently unclear but it seems likely that it will be for a period of two to four weeks and begin in mid June.

The Applicant considers that her hospitalization would be inconsistent with engaging with an oral hearing but considers that upon completion of this treatment she would be able to so participate.

6. By email from the Registry of 20 August 2024, the Tribunal requested Counsel for the Applicant to “indicate by ... 23 August 2024 whether the Applicant is now ready to resume the proceedings” (emphasis in original omitted).

7. By email of 23 August 2024, Counsel for the Applicant responded that:

Regarding the Applicant’s health situation she remains incapacitated from work and is engaged in an intensive outpatient treatment. The duration of this is uncertain and subject to review on a monthly basis.

The Applicant can re-confirm that she is ready to re-engage with proceedings and is happy for these to resume.

8. By email from the Registry of 29 October 2024, the Tribunal stated that (emphasis in original omitted):

...

The Tribunal is seriously concerned about the lack of progress of the proceedings, which, due to the Applicant’s health situation, have been suspended since February 2023. As you have not updated the Tribunal on the Applicant’s health situation since 20 August 2024, the Tribunal therefore instructs you to do so by ... 6 November 2024. Annexed to this submission, you are also to submit a medical certificate by which the Applicant’s treating medical practitioner explains about why her medical situation impedes her from resuming the proceedings.

9. By email of 30 October 2024, Counsel for the Applicant responded that:

The Applicant regrets any confusion that has been created by her continuing to update on her health condition.

On 17 May 2024 the Applicant indicated that despite being on sick leave she “stands ready to reengage with the judicial process and is happy for the suspension to be lifted.” On 23 August 2024 the Applicant stated she “can re-confirm that she is ready to re-engage with proceedings and is happy for these to resume.”

What was meant by these communications was that, despite being on sick leave, nothing impedes her from resuming the proceedings. She is keen for these to resume.

By this email the Applicant wishes to communicate her view that there is no reason for either of her cases to remain suspended. She wishes to resume the proceedings.

The Applicant would be grateful if the Tribunal might confirm that the suspension has been lifted in her cases.

### **Consideration**

10. The Tribunal notes that the Applicant has now explicitly requested the Tribunal to lift the suspension of the proceedings, which the Tribunal will therefore do.

11. As the undersigned Judge is, however, to end her tenure with the Dispute Tribunal on 31 December 2024, and also considering the complexity of the present cases, the undersigned Judge does not see herself capable of adjudicating the matters before then. The undersigned Judge will therefore withdraw from the cases and requests the Registry to reassign them to another Judge.

### **IT IS ORDERED THAT:**

12. The suspension of the proceedings is lifted.

13. Due to the imminent end of the undersigned Judge's tenure with the Dispute Tribunal, she withdraws from the proceedings in the two present cases (Case Nos. UNDT/NY/2022/001 and UNDT/NY/2022/003).

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14. The Registry is to reassign the two present cases to another Judge of the Dispute Tribunal.

*(Signed)*

Judge Joelle Adda

Dated this 6<sup>th</sup> day of November 2024

Entered in the Register on this 6<sup>th</sup> day of November 2024

*(Signed)*

Isaac Endeley, Registrar, New York