



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2023/031

Order No.: 118 (GVA/2023)

Date: 11 September 2023

Original: English

Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

ISUFI

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. By application filed on 7 June 2023, the Applicant, a staff member of the United Nations Development Coordination Office, contests the decision not to renew his fixed-term appointment beyond the expiration date of 31 December 2022 due to unsatisfactory performance.

2. On 12 July 2023, the Respondent filed his reply.

Consideration

Filing of further submissions

3. Having perused the case file, the Tribunal notes that the Applicant seeks “leave to file a rejoinder to any [r]eply arguing the substantive regularity of the separation decision” on the basis that “he has not been placed on notice of any legal justification for the contested decision at the time of filing of [the application]” because “he received only a moot letter from the Management Evaluation Unit”.

4. While the Tribunal notes that the Respondent did not explicitly advance arguments in relation to the issues mentioned in para. 3 above, it finds it appropriate and in the interest of justice to direct the Applicant to file a rejoinder on the reply.

5. In accordance with the principle of equality of arms, the Tribunal will give the Respondent an equal opportunity to respond to the Applicant’s rejoinder.

Amicable settlement

6. Having regard to the specific circumstances of the present case and noting that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

Conclusion

7. In view of the foregoing, it is ORDERED THAT:
- a. By **Friday, 22 September 2023**, the Applicant shall file a rejoinder;
 - b. By **Monday, 2 October 2023**, the Respondent shall file his comments, if any, on the Applicant's rejoinder; and
 - c. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Thursday, 12 October 2023**.

(Signed)

Judge Sun Xiangzhuang (Duty Judge)

Dated this 11th day of September 2023

Entered in the Register on this 11th day of September 2023

(Signed)

René M. Vargas M., Registrar, Geneva