



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2022/037  
Order No.: 054 (NBI/2022)  
Date: 5 May 2022  
Original: English

---

**Before:** Judge Margaret Tibulya

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

BARBER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER ON THE PARTIES' JOINT  
MOTION FOR SUSPENSION OF  
PROCEEDINGS**

---

**Counsel for the Applicant:**

Shubha Suresh Naik, OSLA

**Counsel for the Respondent:**

Yehuda Goor, AAS/ALD/OHR, UN Secretariat

## Introduction

1. The Applicant is a former Close Protection Officer, working with the United Nations Support Office in Somalia (“UNSOS”).<sup>1</sup>
2. On 13 April 2022, the Applicant filed an application contesting the implied administrative decision taken by the Advisory Board on Compensation Claims (“ABCC”) to not process his review filed pursuant to art. 17 of Appendix D to Staff Rules.<sup>2</sup>
3. The deadline for the Respondent to file a reply is on 16 May 2022.
4. On 30 November 2021, the Applicant had filed another application which was registered as Case No. UNDT/NBI/2021/101 (the “First Case”), containing the same substantive issues raised in the present application (the “Second Case”).
5. On 8 December 2021, the Respondent filed a motion for summary judgment in the First Case (the “Summary Judgment Motion”). On 19 April 2022, the Applicant filed a response to the Summary Judgement Motion in the First Case. The motion is yet to be determined by the Tribunal.
6. On 4 May 2022, the parties filed a joint motion informing the Tribunal that, on 28 April 2022, the Counsel for the Applicant and the Respondent had met, conferred and agreed that, in the interest of efficiency and judicial economy, and given that both UNDT/NBI/2021/101 and UNDT/NBI/2022/037 raise the same substantive issues, the proceedings in the present case (*i.e.*, the Second Case) should be suspended pending adjudication of the Summary Judgment Motion in the First Case. The parties further agreed that the Respondent’s deadline to file a reply in the Second Case be suspended while the Summary Judgment Motion is being adjudicated.

---

<sup>1</sup> Application, section VI.

<sup>2</sup> Application, section VI, para. 3.

7. In view of the above, the Parties jointly request the Tribunal to suspend the proceedings in the present case, including the Respondent's deadline to file a reply, pending adjudication of the Summary Judgment Motion in the First Case.

**DIRECTIONS.**

8. The Tribunal makes the following **ORDERS**:
- i. The proceedings before the Tribunal in this matter are suspended pending adjudication of the Summary Judgment Motion in Case No. UNDT/NBI/2021/101.
  - ii. The deadline to file a reply in Case No. UNDT/NBI/2022/037 is suspended until the Summary Judgment Motion in Case No. UNDT/NBI/2021/101 is determined.

*(Signed)*

Judge Margaret Tibulya

Dated this 5<sup>th</sup> day of May 2022

Entered in the Register on this 5<sup>th</sup> day of May 2022

*(Signed)*

Eric Muli, Legal Officer, for  
Abena Kwakye-Berko, Registrar, Nairobi