



Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Hafida Lahiouel

HAMID

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON SUSPENSION OF PROCEEDINGS

Counsel for Applicant:
Nicole Washienko, OSLA

Counsel for Respondent:
H. Esther Shamash, UNDP

Introduction

1. On 11 February 2016, the Applicant, a former D-2 level staff member of the United Nations Development Programme (“UNDP”) in New York, filed an application contesting the following three administrative decisions:

a. to abolish her post of Director and Chief Technology Officer (“CTO”) in UNDP’s Office for Information Systems and Technology as a result of restructuring and reclassification processes (the “abolishment decision”);

b. to “require her to undergo a competitive process” for the new post of Director and CTO at the D-1 level in the Office of Information Management and Technology (“OIMT”) (the “recruitment decision”); and

c. not to select her for the post of Director and CTO, OIMT (the “selection decision”).

2. The Applicant seeks compensation for pecuniary loss in the amount of two years’ net base salary, as well as compensation for “moral injury” in the amount of 12 months’ net base salary.

3. The Respondent filed his reply on 14 March 2016, submitting that the contested decisions were lawful and that the Applicant’s claims are without merit.

4. This case was assigned to the undersigned Judge on 1 July 2016.

Procedural history

5. By Order No. 166 (NY/2016), dated 11 July 2016, the Tribunal directed the parties to consider informal resolution of the matter and, in the event no informal resolution was possible, file a jointly-signed submission addressing various issues by 26 July 2016. The parties were also directed to attend a case management discussion (“CMD”) on 28 July 2016.

6. On 26 July 2016, the parties submitted a joint request for an extension of time until 29 July 2016 to comply with Order No. 166 (NY/2016). The parties also confirmed that they were not in a position to resolve the dispute informally.

7. On 26 July 2016, on instructions of the undersigned Judge, the New York Registry sent an email to the parties, informing them that, in view of the joint request for an extension of time, the CMD of 28 July 2016 was adjourned. The parties were requested to confer and propose a new CMD date in the second half of August 2016.

8. On 27 July 2016, the parties proposed to hold the CMD on 19 or 22 August 2016.

9. By Order No. 183 (NY/2016), dated 28 July 2016, the Tribunal granted the requested extension of time to file the jointly-signed submission, directing the parties to file the submission by 18 August 2016 and to attend a CMD on 22 August 2016.

10. On 17 August 2016, the Applicant filed a request for a further extension of time until 26 August 2016 to finalize the parties’ jointly-signed submission. The Applicant submits that the Respondent has no objection to the requested extension of time.

11. On 17 August 2016, the Tribunal issued Order No. 199 (NY/2016), granting the requested extension of time and directing the parties to file the jointly-signed submission by 26 August 2016 and to attend a CMD on 30 August 2016. The Tribunal also directed the parties to address in their joint submission the relevance of the recently-issued judgment in the matter of *El-Kholy* UNDT/2016/102.

12. On 26 August 2016, the parties file a joint request for a further extension of time until 31 August 2016 to finalize their joint submission. The parties submit, *inter alia*, that the requested extension would allow them to adequately finalize their joint submission and to provide substantive comments on *El-Kholy* UNDT/2016/102, which will ultimately clarify the arguments that are before the Tribunal and assist in the efficient handling of this matter. The parties also state that “in light of new developments, the parties have commenced discussions to resolve the dispute informally” and that they will advise the Tribunal if further time is necessary to continue these discussions.

Case management

13. In view of the parties’ submission that they have commenced informal discussions with the view to resolving the dispute informally, the Tribunal considers that it would be appropriate and in the interests of a fair and expeditious disposal of the case to suspend the proceedings for a period of three weeks so as to allow the parties to attempt informal resolution of this matter. The preparation and filing of an extensive joint submission, while there is a real prospect of an amicable resolution of the dispute, would result in a waste of time and resources, which is to be avoided.

14. The Tribunal commends the parties for their efforts to resolve this dispute amicably and encourages them to conduct their discussions in a

pragmatic and reasonable manner so as to achieve a positive outcome to their discussions.

15. Accordingly, in view of the above,

IT IS ORDERED THAT:

16. The present proceedings are suspended until **Friday, 16 September 2016.**

17. By **5 p.m., Friday, 16 September 2016**, the parties shall file a joint submission stating whether they have reached an agreement or whether they seek additional time to conclude their discussions. Should the parties reach an agreement, the Applicant shall file a motion withdrawing his application fully and finally, without liberty to reinstate.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 26th day of August 2016