



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 joint 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 postponed. 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 joint 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’ joint 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 joint 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 filed a joint request for a further extension of time until 31 August 2016 to finalize their joint submission.

13. By Order No. 205 (NY/2016) dated 26 August 2016, the Tribunal suspended the proceedings until 16 September 2016 to allow the parties to attempt informal resolution of the matter.

Joint motion of 16 September 2016

14. On 16 September 2016, the parties filed a joint submission requesting the continuation of the suspension of proceedings for a further period of three weeks in order to allow them to continue to explore an amicable resolution of the matter.

Case management

15. The Tribunal considers that it would be appropriate and in the interests of a fair and expeditious disposal of the case to grant the joint request. The Tribunal encourages the parties to continue their discussions in a pragmatic and reasonable manner so as to achieve a positive outcome to their discussions.

16. Accordingly, in view of the above,

IT IS ORDERED THAT:

17. The present proceedings are suspended until **Monday, 10 October 2016**.

18. By **5 p.m., Monday, 10 October 2016**, the parties shall file a joint submission stating whether they have reached an agreement. If so, the Applicant shall file a motion withdrawing his application fully and finally, without liberty to reinstate.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 20th day of September 2016