



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2009/043

Judgment No.: UNDT/2009/081

Date: 25 November 2009

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Jean-Pelé Fomété

MACHARIA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**JUDGEMENT ON
APPLICATION FOR FURTHER
EXTENSION OF TIME
AND ORDER STRIKING OUT**

Counsel for the Applicant:
David Andati - Amwayi

1. The Applicant filed the instant Application for Further Extension of Time on 16 October 2009.
2. The Tribunal had previously granted the Applicant 21 days to file her substantive application challenging her summary dismissal, which extension expired on 16 October 2009.
3. The Tribunal notes that the Applicant was previously represented by Counsel from the Office of Staff Legal Assistance, Ms. Katya Melliush, and that Ms. Melliush had applied to withdraw from representing the Applicant for want of instructions.
4. The Tribunal notes that the present Application is brought on the date of expiry of the previous Order, and moves the Tribunal for a further extension of 1 year.
5. The Applicant alludes to “direct negotiations” being underway “with the Respondent in this matter”, but has not adduced anything by way of evidence to show that negotiations are in fact ongoing.
6. It is the view of the Tribunal that the Applicant is neither ready nor willing to file and prosecute her substantive application at this time. It is an abuse of the process of this Tribunal for the Applicant to indulge in frivolous and unending applications for extension of time where she is more inclined to ignore orders granted her in a previous application.

The Tribunal hereby:

REFUSES the Application for Further Extension of Time; and

ORDERS the matter of *Jane Macharia v Secretary General of the United Nations*, registered as UNDT/NBI/2009/43 struck out, without prejudice.

(Signed)

Judge Nkemdilim Izuako

Dated this 25th day of November 2009

Entered in the Register on this 25th day of November 2009

(Signed)

Jean-Pelé Fomété, Registrar, UNDT, Nairobi