



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2011/052

Order No.: 134 (NBI/2011)

Date: 31 October 2011

Original: English

Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Jean-Pelé Fomété

YOUNES

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON WITHDRAWAL OF
APPLICATION**

Counsel for Applicant:
Self-Represented

Counsel for Respondent:
Steven Dietrich, Nairobi Appeals Unit, ALS/OHRM

Introduction

1. The Applicant is employed with the United Nations Economic and Social Commission for Western Asia (UN-ESCWA) on a fixed-term appointment as an Information and Communication Technology (ICT) Officer at the P-4/9 level in Beirut, Lebanon.

2. On 22 June 2010, the post for Chief of Section P-5 was advertised with a deadline set for 21 August 2010 for the submission of applications. The Applicant applied in a timely manner and was subsequently shortlisted and underwent the competency based interview. On the basis of the Executive Secretary of ESCWA's recommendation to the chairperson of the Central Review Board (CRB), one candidate was chosen for the position. On 18 February 2011, the Applicant was informed by the Director, ICT Division that his application for the Chief of Section P5 position was unsuccessful as another candidate was selected ("the impugned decision").

3. On 11 April 2011, the Applicant filed for management evaluation of the impugned decision stating that he had a right to a fair, transparent and objective selection process under the provisions of the staff selection system.

4. On 26 May 2011, the Management Evaluation Unit (MEU) concluded that the decision not to select the Applicant "comported with the applicable rules and jurisprudence". The MEU also noted that there is no evidence on the face of the records reviewed that the selection process was tainted by improper considerations or was otherwise ill-motivated. The Secretary-General endorsed the findings and recommendations of the MEU and upheld the decision taken by the Administration not to select the Applicant for the post.

5. On 23 August 2011, the Applicant filed an Application for extension of time to file the substantive Application citing pending negotiations with the Office of Staff Legal Assistance (OSLA) in seeking legal counsel. In the event that OSLA does not agree to providing representation, the Applicant would require additional time to retain private counsel at his own expense.

6. On 12 September 2011, the Respondent submitted his Reply to the Motion for extension of time limit stating that the reasons proffered by the Applicant in support of his Motion does not constitute “exceptional circumstances” or an “exceptional case” for the purposes of Article 8(3) of the UNDT Statute and Article 7(5) of its Rules of Procedure.

7. On 13 October 2011, the Applicant informed the Tribunal that he was withdrawing his request for an extension of time for the filing of an application before the UNDT. No explanation was provided for the withdrawal of the matter and no further application, pleading or correspondence has been received by the Tribunal from either party to the proceedings.

Conclusion

8. In light of the Applicant’s withdrawal of his Application, there is no longer any matter for adjudication by the Dispute Tribunal and therefore the matter of *Younes v the Secretary-General* is closed.

(Signed)

Judge Vinod Boolell

Dated this 31st day of October 2011

Entered in the Register on this 31st day of October 2011

(Signed)

Jean-Pelé Fomété, Registrar, Nairobi