



**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

SIRI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER ON THE APPLICANT'S  
MOTION TO WITHDRAW  
APPLICATION**

---

**Counsel for the Applicant:**  
Nicole Washienko, OSLA

**Counsel for the Respondent:**  
Steven Dietrich, ALS/OHRM  
Alister Cumming, ALS/OHRM

## **Introduction**

1. On 28 September 2015, the Applicant, a D-2 Director of Mission Support serving with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) filed an Application on the merits before the Dispute Tribunal challenging two administrative decisions, namely: 1) the decision to separate him from service on the basis of mandatory retirement (“separation decision”); and 2) the decision to undertake a recruitment process in relation to his post (“recruitment decision”).
2. On the same date, the Applicant filed an Application and a motion praying that the administrative decisions to separate him from service and to undertake a recruitment process in relation to his post be suspended pending the outcome of his Application on the merits.
3. On 30 September 2015, the Tribunal issued Order No. 306 (NBI/2015) Corr.1. In the said Order, the Tribunal:
  - a. granted the motion for interim measures;
  - b. held that the decision to separate the Applicant from service on the basis of mandatory retirement and the decision to undertake a recruitment process in relation to his post be suspended until the determination of the case on the merits; and
  - c. also held that it would issue an Order setting an accelerated hearing date for the Application for early November 2015.
4. On 23 October 2015, the Respondent filed an Appeal before the United Nations Appeals Tribunal (UNAT).
5. On 22 January 2016, UNAT published Judgment No. 2016-UNAT-609 in which it dismissed the Respondent’s appeal.

6. On 15 February 2016, the Applicant filed a motion for leave to amend his Application. The Motion was served on the Respondent on the same date. The Respondent did not contest the Motion.

7. On 22 February 2016, the Tribunal issued Order No. 028 (NBI/2016) granting the Applicant's Motion for leave to amend the Application and extending the deadline to file the said Application to 22 March 2016.

8. On 5 April 2016, the Applicant filed his amended Application.

9. On 29 April 2016, the Respondent filed his Reply to the amended Application.

10. On 21 July 2016 the Tribunal issued Order No. 398 (NBI/2016) informing the parties that an oral hearing was not necessary for a fair and expeditious disposal of this case and that it would determine this case on the basis of the parties' pleadings and the entire documentary record of the case.

11. On 16 November 2016, the Applicant filed a Motion in which he informed the Tribunal that the parties had been engaged in settlement discussions and that they had reached an amicable settlement. The Applicant also moved the Tribunal to withdraw his Application.

## **ORDER**

12. The Tribunal hereby **GRANTS** the Applicant's Motion and **ORDERS** that the matter of *Siri v Secretary-General of the United Nations* (UNDT/NBI/2015/102) be struck off the Court's docket.

(Signed)

Judge Nkemdilim Izuako

Dated this 21<sup>st</sup> day of November 2016

Entered in the Register on this 21<sup>st</sup> day of November 2016

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi