



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2017/036

Order No.: 098 (NBI/2017)

Date: 19 May 2017

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

CAINE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:

Mohamed Abdou, OSLA

Counsel for the Respondent:

Jonathan Croft, ALS/OHRM

Susan Maddox, ALS/OHRM

Introduction

1. The Applicant is a former investigator, at the P-4 level, with the Office of Internal Oversight Services (OIOS) in Nairobi.
2. On 6 April 2017, he filed an application and a motion for interim measures pending proceedings contesting the decision of the Administration to unilaterally amend Chapter X of the Staff Rules and Regulations covering Disciplinary Measures and then threaten to notify his new employer of an incomplete disciplinary investigation.
3. Together with his application, the Applicant filed a motion for interim measures pursuant to art. 10.2 of the Dispute Tribunal's Statute and art. 14 of its Rules of Procedure, requesting that the contested decision be suspended during the proceedings before the Dispute Tribunal. Referring to arts. 19 and 36.1 of the Dispute Tribunal's Rules of Procedure and the Appeals Tribunal's judgment in *Villamorán* 2011-UNAT-160, the Applicant also requested the Tribunal to suspend the contested decision during the Tribunal's deliberation of his motion for interim measures.
4. On 10 April 2017, the Registry served the application and motion on the Respondent, instructing him to file a response to the motion on 11 April 2017 and, pursuant to art. 10 of the Dispute Tribunal's Rules of Procedure, to file a reply to the substantive application by 15 May 2017.
5. On 11 April 2017, the Respondent filed his reply to the Applicant's motion for interim measure.
6. On the same date, the parties filed a joint a motion requesting that the proceedings in this case be put in abeyance pending informal settlement discussions until 17 May 2017.
7. By Order No. 082 (NBI/2017) dated 13 April 2017, the Tribunal granted the parties' motion and adjourned the proceedings to 17 May 2017 to give the parties time to pursue informal settlement.

8. On 10 May 2017, the Applicant informed the Tribunal that the parties had entered into a settlement agreement and filed a motion to withdraw his application.

ORDER

9. The Tribunal hereby **GRANTS** the Applicant's motion and **ORDERS** that the matter of *Caine v. Secretary General of the United Nations* (UNDT/NBI/2017/036) be struck off the Court's docket.

10. The Applicant's request for anonymity is refused.

(Signed)

Judge Nkemdilim Izuako

Dated this 19th day of May 2017

Entered in the Register on this 19th day of May 2017

(Signed)

Eric Muli,
Legal Officer, for,
Abena Kwakye-Berko, Registrar, Nairobi