



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/051  
Order No.: 067 (NBI/2018)  
Date: 20 April 2018  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

KANDIL

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER STRIKING OUT THE  
APPLICATION**

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**  
Elizabeth Gall, ALS/OHRM

## **Introduction**

1. The Applicant is an Economic Affairs Officer with the United Nations Economic and Social Commission for Western Asia (ESCWA).

2. On 16 April 2018, he filed an application for suspension of action (SOA) pending management evaluation of the decision communicated to him on 16 April 2018 to terminate his appointment effective the same day (16 April 2018). The application was filed in the United Nations Dispute Tribunal's (UNDT) Court Case Management System (CCMS) after the end of the working day in Nairobi and was opened by the Registry on 17 April 2018.

3. On 17 April 2018, this Tribunal issued Order No. 060 (NBI/2018) suspending the implementation of the contested decision for five working days.

4. By email dated 17 April 2018, the Applicant informed the Tribunal that the Management Evaluation Unit (MEU) had requested ESCWA,

to suspend the termination of my contract until they review the facts of the matter. Accordingly, my termination is now suspended and ESCWA asked me to continue reporting to the office until further notice. As a result of that I kindly request to drop my case until receiving the reply of Management Evaluation.

5. On 18 April 2018, the Respondent filed a reply in which it is argued that the application for an SOA is moot. The Respondent confirmed that the Secretary-General had decided to suspend the implementation of the contested decision until the management evaluation is completed.

6. On 19 April 2018 the Applicant wrote to the Tribunal to declare that he would not withdraw his application and that his message from 17 April 2018 is to be disregarded. Later on the same, day the Applicant had yet another change of heart and

filed a Motion informing the Tribunal that, after consulting a lawyer, he had decided to withdraw his case whilst awaiting the result of the MEU review.

**Consideration**

7. In view of the parties' univocal submissions regarding a suspension of the decision to terminate the Applicant's appointment by the Respondent, notwithstanding the changes of the Applicant's position on the issue, the Tribunal concludes that there is no longer a matter to be adjudicated in the regime of suspension of action as the Applicant has received the relief sought.

**IT IS ACCORDINGLY ORDERED THAT:**

8. Order No. 060 (NBI/2018) is hereby discharged.

9. The matter of *Kandil v The Secretary-General of the United Nations* (UNDT/NBI/2018/051) be struck off the Court's docket.

*(Signed)*

Judge Agnieszka Klonowiecka-Milart

Dated this 20<sup>th</sup> day of April 2018

Entered in the Register on this 20<sup>th</sup> day of April 2018

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi