



UNITED NATIONS DISPUTE TRIBUNAL

Case Nos.: UNDT/NBI/2020/024
UNDT/NBI/2020/062
Order No.: 204 (NBI/2020)
Date: 16 October 2020
Original: English

Before: Judge Margaret Tibulya
Registry: Nairobi
Registrar: Abena Kwakye-Berko

ASLAM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON CONSOLIDATION AND
SUSPENSION OF PROCEEDINGS
PENDING SETTLEMENT DISCUSSIONS**

Counsel for the Applicant:

Marcos Zunino, OSLA

Counsel for the Respondent:

Nicole Wynn, AAS/ALD/OHR, UN Secretariat

Roseangela Adamo, AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant serves on a continuing appointment at the P-5 level as the Chief Procurement Officer at the United Nations African Union Hybrid Operation in Darfur (“UNAMID”).

The application

2. On 31 March 2020, the Applicant filed an application before the United Nations Dispute Tribunal in Nairobi to challenge the Respondent’s decision to reject his claim for compensation under Appendix D of the United Nations Staff Rules and Regulations as time-barred. The decision was made by the Claims and Entitlements team at the Kuwait Joint Support Office.

3. On 30 April 2020, the Respondent filed a motion for receivability to be determined as a preliminary issue, and with that for the deadline for his submissions on the merits to be deferred.

4. On 5 May 2020, the Tribunal issued Order No. 087 (NBI/2020) granting the motion and deferred the filing of the deadline for the Respondent’s reply until receivability had been determined. The Tribunal also directed the parties to make further submissions on a series of issues.

5. Both parties complied with directions in Order No. 087 (NBI/2020) and filed their respective submissions on 11 May 2020.

6. On 6 October 2020, the Tribunal issued Order No. 196 (NBI/2020) finding Case No. UNDT/NBI/2020/024 receivable.

7. On 14 October 2020, the parties met for a case management discussion. The Tribunal asked for their views pertaining to consolidation of UNDT/NBI/2020/024 and UNDT/NBI/2020/062 seeing as both cases stem from the same set of facts and seek the same relief. The Tribunal also sought the parties’ views on their willingness

to resolve this matter *inter partes* and/or whether they would prefer that this matter be referred to the United Nations Ombudsman and Mediation Services (“UNOMS”) for resolution of this dispute without recourse to further litigation.

ORDER

8. In the interest of efficient use of the Tribunal’s resources and the expeditious conduct of proceedings, the Tribunal, pursuant to arts. 10.3 of the UNDT Statute and 15.1 of the Rules of Procedure and being mindful of paragraph 27 of General Assembly resolution 69/203 (Administration of justice at the United Nations), strongly urges the parties in this matter to consult and deliberate in good faith on having this matter informally resolved or mediated, with or without the assistance of UNOMS.¹

9. To this end, the Tribunal makes the following **ORDERS**:

- i. UNDT/NBI/2020/024 and UNDT/NBI/2020/062 are hereby CONSOLIDATED;
- ii. The Registry is **DIRECTED** to serve a copy of this Order on UNOMS;
- iii. The parties and/or UNOMS should advise the Tribunal on the status of their discussions by **6 November 2020**; and
- iv. The proceedings in the matter of *Aslam v Secretary General of the United Nations* (UNDT/NBI/2020/024 & UNDT/NBI/2020/062) are hereby suspended pending settlement discussions.

¹ Paragraph 27 states: “Recalls the emphasis placed by the General Assembly on the resolution of disputes and requests the Secretary-General to report on the practice of proactive case management by the judges of the United Nations Dispute Tribunal in the promotion and successful settlement of disputes within the formal system in his next report”.

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(Signed)

Judge Margaret Tibulya

Dated this 16th day of October 2020

Entered in the Register on this 16th day of October 2020

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi