



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:	UNDT/NBI/2025/006
Order No.:	36 (NBI/2025)
Date:	20 March 2025
Original:	English

Before: Duty Judge
Registry: Nairobi
Registrar: Wanda L. Carter

SARBESWARAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON NOTICE OF MEDIATION**

Counsel for Applicant:
Victor Rodriguez

Counsel for Respondent:
Nisha S. Valabhji, UNON

Introduction

1. On 21 January 2025, the Applicant, Chief, Innovation and Business Solutions at the United Nations Office at Nairobi (“UNON”), filed an application contesting his performance rating for the period from 1 April 2022 to 31 March 2023, confirmed by UNON’s Rebuttal Panel on 14 August 2024.
2. The Respondent filed a reply to the application on 24 February 2025.
3. On 17 March 2025, the Regional Ombudsman, Office of the United Nations Ombudsman and Mediation Services (“UNOMS”), addressed an email to the UNDT Registry informing that the parties had entered into an agreement to mediate the issues arising in this case. The Regional Ombudsman requested a suspension of the proceedings for a period amenable to the Tribunal and to the parties to allow for mediation efforts, pursuant to art. 15.5 of the UNDT Rules of Procedure and para. 7 of the Practice Direction on Mediation.
4. The Regional Ombudsman also requested a copy of the case file pursuant to para. 9 of the Practice Direction on Mediation.

Consideration

5. The Tribunal recalls that the General Assembly has consistently encouraged alternative dispute resolution and commends the parties on their efforts to resolve the matter amicably.
6. Having examined the case record and guided by art. 15 of its Rules of Procedure, the Tribunal finds that it is in the interest of justice to give the parties sufficient time to focus on their settlement efforts by suspending the proceedings.
7. In light of the above,

IT IS ORDERED THAT

8. The Registry is directed to transmit a copy of the case file, which consists solely of the application and reply, to the Regional Ombudsman.

9. The proceedings before the Tribunal in this matter be suspended during the parties' mediation for 60 days, that is, until **Monday, 19 May 2025**.

10. By **Monday, 19 May 2025**, the Regional Ombudsman shall inform the Tribunal if a settlement agreement is reached, and if so, the Applicant shall confirm to the Tribunal, by motion, that his application is withdrawn.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 20th day of March 2025

Entered in the Register on this 20th day of March 2025

(Signed)

Liliana López Bello, for Wanda L. Carter, Registrar, Nairobi