



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

AEM¹

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
MOTION FOR JOINDER OF CASES**

Counsel for Applicant:

Ludovica Moro

Counsel for Respondent:

Halil Göksan, AS/ALD/OHR/UN Secretariat
Tamal Mandal, AS/ALD/OHR/UN Secretariat

¹ In this application, the Applicant has not yet requested anonymity, however, the Tribunal granted her anonymity in Case No. UNDT/NBI/2024/060. The same considerations for anonymity apply in this case and in the interests of justice and judicial economy, the Tribunal will apply anonymity in this case.

Introduction and Procedural History

1. On 4 September 2024, the Applicant, a staff member at the United Nations Economic and Social Commission for Western Asia (“ESCWA”), filed an application contesting a 29 February 2024 decision of the Director of Administration, Resource Management and Service Development Division/ESCWA (“Director/ARMSDD”) denying her request for “remote work”. That case is registered as Case No. UNDT/NBI/2024/060. Closing submissions were filed and the case is pending before the Tribunal.

2. On 18 February 2025, the Applicant filed a second application contesting a 19 August 2024 decision by the Director/ARMSDD to deny her request for remote work on medical grounds. This case is the instant matter and was registered as Case No. UNDT/NBI/2025/018.

3. On 1 April 2025, the Applicant filed a motion for joinder of the two cases. In that motion she submits that

[c]onsidering that the remedies requested in my pending application in case no. UNDT/NBI/2024/060 (authorization to work remotely and reassignment to a suitable duty station) are now moot, due to the non-renewal of my contract and separation from the Organization, I respectfully request compensation for the material damages suffered, i.e. (i) salary for the 16.5 months that I have been forced to remain on SLWOP; (ii) reimbursement of the insurance premiums I had to pay out of pocket in the amount of \$15,927.97.

The Applicant also requests the joinder on the grounds that both cases are based on almost identical points in fact and in law.

4. The Respondent objects to the joinder of the two cases. The Respondent submits that it is not in the interest of justice or judicial efficiency to join and consolidate the two cases as pleadings are complete and judgement is due in Case No. UNDT/NBI/2024/060, unlike in the present case and because consolidation will lead to undue delay in disposal of the earlier case.

Consideration

5. Article 19 of the Rules of Procedure permits the Tribunal to make any order or give any direction for the fair and expeditious disposal of cases, and art. 36 empowers the Tribunal to deal with matters not expressly provided for in the Rules in furtherance of art. 7 of the Statute. *Onana*, UNDT/2014/003, para. 43.

6. To determine the Applicant's motion for joinder, the Tribunal must give due consideration to judicial economy and to an efficient and sound administration of justice. *Ademagic*, Order No. 197 (GVA/2017), para. 8. The Tribunal considers that it is not in the interest of justice or judicial efficiency to join the two cases as they challenge two different decisions and require adjudication of different questions of fact and law. See, for example *Pumpyanskaya*, Order No. 007 (NY/2023), para. 21.

7. The Applicant's own submissions indicate that, although in this case she challenges the 19 August 2024 decision, she is trying to use joinder to request different remedies going back to earlier decisions which were not raised previously in Case No. UNDT/NBI/2024/060. This is contrary to the interest of justice and judicial efficiency, especially given that closing submissions in that case had already been filed.

Conclusion

8. In view of the foregoing, it is ORDERED THAT:

a. The Applicant's request for a joinder of Case Nos. UNDT/NBI/2024/060 and UNDT/NBI/2025/018 is denied.

b. The Applicant shall file a rejoinder in Case No. UNDT/NBI/2025/018, which shall specifically address the Respondent's arguments on receivability, by **5 p.m. on Tuesday, 22 April 2025**.

c. The rejoinder shall not exceed five pages (excluding the cover and signature pages), in font Times New Roman, font size 12, line spacing of 1.5 lines.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 15th day of April 2025

Entered in the Register on this 15th day of April 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi