



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/052
Order No.: 99 (NBI/2025)
Date: 10 July 2025
Original: English

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

OBALI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S
MOTION FOR AN EXTENSION OF
TIME TO FILE REPLY**

Counsel for Applicant:
Shubha Suresh Naik, OSLA

Counsel for Respondent:
Jérôme Blanchard, HRLU, UNOG

Introduction

1. On 2 May 2025, the Applicant, a staff member of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), filed an application contesting the decision of the Administration to initiate recovery from his salary of approximately USD2,281 due to redetermination of his salary step as directed by the Office of Human Resources (“OHR”) guidelines, OHR/PG/2024/4/Rev.3, dated 13 September 2024.

2. The Respondent’s reply was due on 10 June 2025.

3. On 5 June 2025, the Respondent filed a motion requesting a one-month extension of time to file the reply on the grounds that, on 11 April 2025, the General Assembly revised OHR/PG/2024/Rev.3, and that the Applicant’s salary step determination will be reviewed under the revised guidelines. This may lead to a new determination and a new decision regarding the Applicant’s step and the corresponding recovery.

4. The Motion was granted by Order No. 77 (NBI/2025), extending the deadline for filing the reply to 10 July 2025.

5. On the eve of the extended deadline, the Respondent filed another motion for an additional one-month extension of time to file its reply using the same justification that “the Applicant’s situation will be reviewed and may led to a new determination and a new decision regarding the Applicant’s step upon reappointment and the corresponding recovery.”

Consideration

6. Article 35 of the Tribunal’s Rules of Procedure provides, *inter alia*, that the “President, or the judge or panel hearing a case, may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require”.

7. The Tribunal notes that the Respondent's averment seems to imply that the cause of the delay is a system-wide review of new General Assembly guidelines, which *may* impact the validity of the contested decision. There is no indication as to when OCHA will complete the broad review. More importantly, there is no indication as to when OCHA will reconsider the step determination at issue in this case nor whether that review is likely to change the contested decision. Perhaps the Tribunal erred by inferring from the prior request for a one-month extensions that these decisions were anticipated by the Respondent happen within that month, at least with respect to the step decision regarding the Applicant. This renewed motion indicates that this inference was overly optimistic and that there is really no idea when a possible resolution is expected.

8. The Tribunal considers that it is not in the interests of justice to indefinitely delay the proceeding of a filed case awaiting a comprehensive review of the nature that is implied in the motion; and that without a tentative deadline in sight, cannot be considered as "exceptional".

9. The Tribunal notes that the Respondent only filed this renewed motion on the day before its reply was due. It is difficult to imagine that the Respondent was not aware prior to this that the matter was not resolved. Inordinate and indeterminate delays in moving forward with the proceedings prejudices the Applicant's right to have the matter heard on the merits and unnecessarily clogs the Tribunal's docket.

10. There seems to be no reason why the Respondent cannot file a timely reply to this case. Indeed, having counsel examine the merits of the contested decision in preparing the reply would help inform the "pending" review and any new decision.

11. For this reason, the Tribunal will grant a very limited extension of the deadline for filing a reply.

12. The Tribunal asserts that in the interests of justice, no further extensions will be granted on this basis. If the Respondent fails to file its Reply, the matter will be

subject to Article 10 of the UNDT Rules of Procedure, specifically, that “a respondent who has not submitted a reply within the requisite period shall not be entitled to take part in the proceedings....”.

Conclusion

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

- a. The Respondent’s motion for an extension of time to file a reply is granted, in part.
- b. The reply shall be filed on or before **Monday, 14 July 2025**.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 10th day of July 2025

Entered in the Register on this 10th day of July 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi