



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/060  
Order No.: 120 (NBI/2025)  
Date: 5 August 2025  
Original: English

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

GBUNDO

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON APPLICANT'S MOTION  
FOR LEAVE TO FILE SUBMISSION  
IN RESPONSE TO THE  
RESPONDENT'S REPLY**

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**Counsel for Applicant:**

Deng Kuol Reng  
Chol Alier Ateng  
Chol William Deng

**Counsel for Respondent:**

Sergei Gorbylev, DAS/ALD/OHR, UN Secretariat  
Wei Zhuang, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. By application filed on 12 June 2025, the Applicant, an Administrative Assistant with the United Nations Mission in South Sudan (UNMISS), filed an application challenging a 12 May 2025 decision to impose upon him the disciplinary sanction of separation from service for misconduct, and to place his name in ClearCheck.
2. The Respondent was duly served and submitted a reply on 18 July 2025, in which it argued that the contested decision, in relation to the placement of the Applicant's name in ClearCheck, is not receivable *ratione materiae* because the Applicant failed to request management evaluation of this decision, as required by Staff rule 11.2 and article 8.1(c) of the Dispute Tribunal's Statute.
3. The Respondent further contends that the application is without merit and that the separation decision was lawful and proportionate to the alleged misconduct.
4. The Respondent also requested leave to exceed the page limit in the 15-page reply he submitted.
5. On 28 July, the Applicant filed a Motion for leave to File Submission in Response to the Respondent's Reply, citing that the Respondent, in its Reply "has raised several new legal and material factual assertions on the alleged misconduct and unlawful, unfair and unprocedural conviction and sentencing of the Applicant by the national court".

## **Consideration**

6. Pursuant to art. 19 of its Rules of Procedure, the Tribunal may at any time issue an order or give any direction appearing to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.
7. Having taken into consideration the pleadings of the parties, the Tribunal considers it appropriate and in the interest of justice to give the Applicant an opportunity to comment on the Respondent's reply by means of a rejoinder.

8. The Tribunal further notes that the Respondent's reply is 15 pages, and considers that the information contained therein is germane to a full understanding of the Respondent's argument. Accordingly, the Tribunal observes no challenge in granting the motion.

### **Conclusion**

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

- a. the Respondent's request to exceed the page limit in its submitted reply is GRANTED, and the 15-page application is accepted;
- b. the Applicant's motion for leave to file a submission in response to the Respondent's reply is GRANTED;
- c. by **Friday, 15 August 2025**, the Applicant shall file his rejoinder, addressing the Respondent's arguments raised in the reply, and **specifically**, responding to the receivability issues raised by the Respondent.

*(Signed)*

Judge Sean Wallace (Duty Judge)

Dated this 5<sup>th</sup> day of August 2025

Entered in the Register on this 5<sup>th</sup> day of August 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi