

090 (GVA/2024), Samuel De Jaegere

UNAT Held or UNDT Pronouncements

The Tribunal acknowledges the Applicant's circumstances and has no intention of jeopardizing his health in any way. At the same time, it considers the Applicant's active participation in the proceedings essential to ensuring the fair adjudication of his case. The Tribunal concurs with the Respondent's assertion that "the right to institute and pursue legal proceedings is contingent upon the individual exercising this right having a legitimate interest in initiating and sustaining legal action." The Applicant voluntarily initiated these judicial proceedings and, as such, has a vested interest in their timely resolution. If the Applicant is unwilling or, as in this case, unable to proceed, the Tribunal sees no justification for keeping the matter indefinitely pending. Accordingly, the Tribunal determines that the appropriate course of action is to close the case, without prejudice to the Applicant's right to seek its reopening once he is in a position to resume proceedings. The Applicant must either request the reopening of the case within one year from the date of this Order or, within the same period, submit a reasoned request for the continued preservation of his right to reopen the case.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision of 30 November 2022 to separate him from service, with compensation in lieu of notice and without separation indemnity.

Outcome

Other motion granted in part

Outcome Extra Text

The Applicant submitted medical reports asserting that he would only be able to resume his involvement with this case once his health drastically improves. He requested the Tribunal to postpone the proceedings until further notice, which his private physician recommended for at least one year.

Full order

[Full order](#)

Individual Party

Samuel De Jaegere

Entity

UNODC

Case Number(s)

UNDT/GVA/2023/008 (De Jaegere, Samuel)

Tribunal

UNDT

Registry

Geneva

Date of Order

8 Aug 2024

Duty Judge

Judge Sun

Language of Order

English

Appeal Status

Appealed

Issuance Type

Order

Categories/Subcategories

Case management

Procedure (first instance and UNAT)

Applicable Law

UNDT Statute

Related Judgments and Orders

UNDT/2009/061

UNDT/2010/047

UNDT/2015/034

UNDT/2019/157

UNDT/2020/042

UNDT/2021/155