



Case No. 2012-311

Charles

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER

4. The Secretary-General notes that pursuant to the provisions of the amendment to ST/AI/2010/3, the amendment is only applicable to selection processes initiated on or after 22 April 2010. He submits therefore that the amendment does not apply to this case, since the contested selection process was initiated prior to 22 April 2010. The Secretary-General requests that the Appeals Tribunal deny the Motion. He further requests a reasonable period of time to respond to the Appellant's motion, should the Appeals Tribunal grant his Motion.

5. Articles 8 and 9 of the Rules of Procedure of the United Nations Appeals Tribunal (Rules) provide for an appellant to submit an appeal form, accompanied by a brief, and for a respondent to submit an answer form, accompanied by a brief.

6. Pursuant to Article 31(1) of the Rules and Section II.A.3 of Practice Direction No. 1 of the Appeals Tribunal, the Appeals Tribunal may allow a motion requesting leave to file additional pleadings after the filing of the answer to the appeal if there are exceptional circumstances justifying the motion.

7. Both parties argue, on different grounds, that the amendment to ST/AI/2010/3 does not apply to Mr. Charles' case. However, since the contested issue goes directly to the merits of the case, I believe that it is for the panel and not the Duty Judge to dispose of the motion.

8. For the foregoing reason, I admit Mr. Charles' additional filing. However, since the Secretary-General has already submitted