







arguments on the merits of the case are purely academic and the Dispute 00000912 0 612 792 reW\*nBT/F

- a. The ICSC's recommendations included in its 2015 and 2016 reports regarding the implementation methodology of the compensation package;
- b. The General Assembly resolutions 70/244 and 71/264 (United Nations common system) and the related provisions of Staff Regulation and Rules (ST/SGB/2017/1);

informing the Tribunal of their views regarding:

- i. The full approval by the General Assembly of the ICSC recommendations, including the methodology/methodologies;
- ii. The accurate and complete implementation by the Organization of the recommended methodology for each element of the compensation package (salary,



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30. On 16 July 2018, the Respondent duly filed the available documentation, as instructed by the Tribunal in Order No. 134 (NY/2018).

31. On 26 July 2018, the Applicant filed his response pursuant to Order No. 134 (NY/2018).

32. On 14 September 2018, the Applicant filed a notice of withdrawal, stating that [the Applicant] seek[s] to withdraw all of [his] allegations and claims before the Dispute Tribunal with respect to [the present case]

33. On the same day, 14 September 2018, referring to *Lloret Alcaniz et al.* 2018-UNAT-840, the Respondent filed a submission in which he, inter alia, stated that:

In the present case, the claims made by the Applicant are identical to the arguments already considered and rejected by the Appeals Tribunal in *Lloret Alcaniz*, as well as in *Quijano-Evans et al.* [2018-UNAT-841] and *Mirella et al.* [2018-UNAT-842]. There is no basis upon which the present case can be distinguished from those judgments [referring to *Igbinedion*, 2014-UNAT-410, para. 24]. Accordingly, the Dispute Tribunal ought to follow *Lloret Alcaniz et al.* and dismiss the Application.

### Consideration

34. The Tribunal



36. Cp"cr r rdecvqp"tgr tguwpv"vj g"o cvgtkcnk cvkqp"qh"cp"cr r rdecvpu"tki j v"vq"cr r gcn' the contested decision. This is the first procedural act by which an applicant invests the Tribunal of dealing with the appeal. The whole procedural activity will take place within its limits and the application must be filed by the person who has the right to appeal the contested decision (*ratione personae*), within the applicable time limit (*ratione temporis*) and in front of the competent Tribunal (*ratione loci*).

37. Consequently, to be legally valid, a request for the withdrawal of an application has to be formulated by the applicant and/or by his/her counsel and must eqpukv"qh"vj g"vpeqpf kvqpcn'gzt guukqp"qh"vj g"cr r rdecvpu"tgg"y km"vq"emug"j kv/her case before a judgment is issued.

38. An application can be withdrawn orally and/or in writing, partially or entirely. The withdrawal request can refer either to the pending application (as a procedural act) or to the right to appeal itself.

39. The Applicant expressed in his motion of 14 September 2018 his will to withdraw his application and thereby to end the pending litigation.

40. Kp"eqpenwukqp."vj g"y kvj ftcy cn'tgs wguv"tgr tguwpv"vj g"Cr r rdecvpu"tgg"y km"vq" end the litigation. Since the Applicant has withdrawn his application, the Tribunal no longer needs to make a determination on the merits and takes note of the withdrawal.

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