

Case Nos.: UNDT/NBI/2019/009, 010,
011, 012, 013, 014, 015, 016,
017, 018, 019 and

UNITED NATIONS DISPUTE TRIBUNAL



Introduction

1.

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013, 014, 015, 016, 017, 018, 019 and 020.

Order No.: 039 (NBI/2019)

disagree with the UNDT regarding the receivability of the fourth wave but deem the fifth wave foreclosed in the absence of an appeal.

g. Should the Applicants appeal a negative fifth wave decision following a successful judgment in the fourth wave it is perhaps conceivable that the appeal of a negative judgment when in receipt of a different positive judgment might give rise to a further, novel, argument from the Administration on receivability of that appeal.

h. The procedurally rigorous nature of the jurisdiction already represents a challenge to staff members in exercising their rights. A staff member who has acted assiduously to anticipate the procedural arguments of the Administration should not be rendered yet more vulnerable from having to predict the position that might be taken by the UNAT on such a complex issue. Therefore, the Applicants suggest that for those applicants involved in both fourth and fifth waves, the two applications be disposed of in a single judgment rather than suspending the fifth wave cases.

Considerations

7. Article 10.1 of the UNDT Statute provides that the Dispute Tribunal may suspend proceedings in a case at the request of the parties for a time to be specified by

necessarily predicated upon the outcome of another pending case.¹

8. In the present case, however, the situation is different. As held by this Tribunal in *W K H v I L U, W e r y z o y H* received by a staff member is an expression of a discrete

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(Signed)

Judge Agnieszka G [S] TJ ET Q q 0.00000912 0