



Introduction and Procedural History

1. The Applicant joined the Office for Coordination of Humanitarian Affairs (OCHA) as a National Professional Officer in Zimbabwe in 2007. On 11 July 2010, OCHA deployed him to Afghanistan on a one-year fixed-term appointment as a Humanitarian Affairs Officer at the P3 level.

9. On 15 January 2014, the Tribunal issued Order No. 005 (NBI/2014) allowing the Applicant to amend his Application and adjusting the timeline for the Respondent to file his reply.

19. Counsel for the Applicant responded to the Respondent's request indicating that he does not object to the matter being rescheduled and that he would make himself available for the scheduled hearing dates despite being on annual leave at the time.

DELIBERATIONS

20. The Tribunal has taken note of the motion filed by counsel on behalf of the Respondent with surprise and dismay.

21. The only reason advanced by counsel for Respondent to justify a rescheduling of the hearing is that his spouse's travel plans have resulted in a change in family responsibilities.

22. In managing its' case load, Courts have a wide discretion in the scheduling of cases. The court also has a discretionary power to grant a postponement of hearing on good cause shown.

23. Requests for adjournments are usually made on a number of grounds. Personal reasons like illness of counsel or parties or witnesses; unavailability of witnesses; the absence of counsel for good cause; chances of case being settled; unexpected discovery of new facts.

24. This list is not exhaustive and any request for an adjournment should be decided on a case by case basis taking into account the specific circumstances of each case; unforeseen circumstances beyond the control of counsel or parties;

25. In deciding whether to grant a postponement the court should carefully scrutinize the reason put forward for such a request; the impact on the mover of the motion; the impact on the parties concerned; the ability of parties to present their case fairly to the court in the absence of counsel; the length the case has been on the docket of the court.

29. If counsel handling the present matter is unable to appear on the scheduled dates, the Respondent should make alternative arrangements as he has at his disposal an armada of lawyers capable of handling cases on his behalf.

30. **NOTICE** is hereby issued that the matter of *Ncube v Secretary-General of the United Nations* (UNDT/NBI/2013/074) will continue as scheduled at **1400hrs (Nairobi time)**