



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2015/112

Order No.: 383 (NBI/2015)

Date: 3 December 2015

Original: English

**Before:** Judge Vinod Boolell

**Registry:** Nairobi

**Registrar:**



9. The Respondent filed his Reply to the Application for interim relief on 5 November 2015.

10. The Tribunal sought the Applicant's response to the Respondent's Reply, particularly on the issue of receivability. The Applicant filed his response on 6 November 2015.

11. On 9 November 2015, the Tribunal issued Order No. 365(NBI/2015) dismissing the application for suspension. The Tribunal also directed service of the Order on the Office of the Ombudsman and Mediation Services (OMS) to facilitate "meaningful consultations towards having this matter resolved" and informed the Parties that a notice of hearing will issue shortly after the filing of the Respondent's Reply.

12. On 30 November 2015, the Respondent filed a Motion for Directions. The Respondent is asking the Tribunal to "allow the Parties [to] comply with the Tribunal's observations on Order No. 365 (NBI/2015)" and to "suspend proceedings to allow the Parties to make full efforts and focus at mediation for the fair and expeditious disposal of the case."

13. The Applicant responded to the Respondent's Motion on 1 December 2015, and urged the Tribunal to "reject the request of the Respondent to admit into evidence any mediation documentation."

### **Deliberations**

14. In Order No. 365 (NBI/2015), the Tribunal observed as follows:

The Tribunal has carefully reviewed both Parties' submissions on

15. The Tribunal believes this advice to be that much more relevant now given the deterioration of the situation facing the Applicant.

16. The circumstances described to the Tribunal by the Parties paints a picture of a bad working environment. Staff members cannot be expected to work effectively and productively while being marginalised and humiliated. It makes for poor morale. From the Organisation's perspective, it is equally poor form to have a staff member on payroll with no functions to perform. It is a waste of the Organisation's resources, which cannot be condoned.

17. The Tribunal therefore **GRANTS** the Respondent's Motion for suspension of proceedings.

18. Pursuant to art. 10.3 of the Statute of the Tribunal, and art. 19 of the Rules of Procedure, the matter of *Kelapile v Secretary-General of the United Nations* (Case No. UNDT/NBI/2015/112) is hereby **SUSPENDED**.

19. The Parties are **DIRECTED to jointly** advise the Tribunal of the status of their consultations by **11 January 2016**.

20. The deadline for the filing of the Respondent's Reply is likewise extended to **11 January 2016**.

(Signed)

Judge Vinod Boolell

Dated this 3<sup>rd</sup> day of December 2015

Entered in the Register on this 3<sup>rd</sup> day of December 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi