



UNDT/NBI/
185(NBI/20
15 Septemb
English

Before: _____
Registry: Nairobi
Registrar: Abena Kwakye-Bere

MOULANA
v.
SECRETARY GENERAL
OF THE UNITED NATIONS

ORDER GIVING AN OPPORTUNITY
TO THE APPLICANT TO RESPOND
TO THE RESPONDENT'S REPLY

Counsel for the Applicant:
Cristina Jimenez Corte

Introduction

1. The Applicant is an Acquisition Planning Assistant at the FS level, working with the United Nations Mission in South Sudan (UNMISS), based in Juba.
2. By an application filed on 23 December 2020, the Applicant is contesting a decision to not select him for the position of Requisitions Officer advertised through Job opening JO# 136259. By the same application, the Applicant also challenges the decisions (i) not to select him for the Temporary Job Opening No. 95616 FS Requisitions Officer ("TJO") (ii) to extend the temporary assignment of HH (anonymized for confidentiality) and (iii) to place HH on the roster of approved candidates for FS Requisitions Officer.¹
3. The Respondent filed a reply on 28 January 2021 which it is argued that the contested decision was lawful. The Respondent however, avers that the Applicant's claim relating to the decision to not select him for TJO is not receivable *ratione materiae* because he did not request management evaluation of that decision as required by staff rule 11.2(c). The challenge relating to the extension of the temporary assignment of HH and the decision to roster her among the approved candidates are not receivable *ratione personae* and *ratione materiae*. The two decisions do not relate to the Applicant's terms of employment and are thus not receivable *ratione personae*. Secondly, the two decisions are not receivable *ratione materiae* because the Applicant did not request management evaluation for them.

ORDER

4. On or before 3.00 p.m. on Monday, 27 September 2021, the Applicant shall file a response to the reply specifically on the issue of receivability, as argued by the Respondent, and which shall not exceed five pages.

¹ Application, section V.

² Application, section VIII

Case No. UNDTMBI/2020/102

OrderNo.: 185(NBI/2021)

(Signed)