

Introduction

1. The Applicant was a staff member of the United Nations Development Programme (“UNDP”). He served at the D-1 level on a fixed-term appointment and was the Resident Coordinator and Resident Representative in Riyadh, Saudi Arabia, at the time of the application.

2. On 23 July 2020, the Applicant filed an application with the United Nations Dispute Tribunal sitting in Nairobi to challenge the Respondent’s decision to not disclose the report of the investigation into his conduct, in which he was exonerated, but which he contends was conducted on the basis of malicious complaints by two staff members.

3. On 29 July 2021, the Tribunal issued Judgment No. UNDT/2021/092 in which it found that the application was not receivable.

4. The Applicant appealed said Judgment to the United Nations Appeals Tribunal (“UNAT”) and, on 1 July 2020, UNAT allowed the appeal in part. The UNDT’s finding of irreceivability as contained in Judgment No. UNDT/2021/092 was set aside and the case was remanded to the UNDT for a decision on its merits.

5. By motion dated 10 May 2023, the Applicant requested the Judge President of the UNDT to order that the present Judge be recused on several grounds.

6. On 25 May 2023, the Judge President issued Order No. 092 (NBI/2023) in which

of the UNDT Order ... under Article 7.1(c) of the Statute of UNAT.” The Respondent did not file a response to the motion.

9. The Tribunal interprets th

ORDERS

12. The motion for suspension of proceedings is granted.

13. The proceedings in the matter of *Nigam v Secretary-General of the United Nations* (UNDT/NBI/2020/056/R1) are suspended until the Applicant's appeal to UNAT of Order No. 092 (NBI/2023) is resolved and a decision rendered.

(Signed)

Judge Francis Belle

Dated this 23rd day of June 2023

Entered in the Register on this 23rd day of June 2023

(Signed)

Eric Muli, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi