



Case No.: UNDT/NY/2010/098
Order No.: 335 (NY/2010)
Date: 29 December 2010

Introduction

1. On 25 November 2010 the Applicant submitted an application identifying the contested decision as “the imposition of an illegal and unchallengeable disciplinary measure against [him]” and stating that the decision stemmed from the time he was an intern with the United Nations Department of Social and Economic Affairs between 10 April 2006 and 30 June 2006. The Applicant stated that this decision was taken in w26Depceer 20107 by the UChief

and the Dispute Tribunal to have the benefit of full submissions on all issues in the case and may permit the Tribunal to determine the issues before it—including issues of receivability—in a more expeditious manner. Nevertheless, in certain situations it may be appropriate to permit the Respondent to address only the issues of receivability in his initial reply.

6. Based on the application filed on 25 November 2010, it appears that, due to the peculiar circumstances of this case, the issues of receivability and merits may be closely related and the Tribunal would benefit from receiving a full reply from the Respondent to ensure that it has the Respondent's submission on all matters that may be relevant to the determination of this case. Therefore, due to the particular circumstances of the present case, I have decided not to grant leave to file a partial reply.

7. It may very well be the case that, having reviewed the application and the reply, the Tribunal will decide to first consider, as a preliminary matter, the receivability of the application, in which case the parties will receive appropriate directions in due course.

8. Considering that the filing of the Respondent's reply will follow its standard course prescribed by art. 10 of the Rules of Procedure, it was not necessary for the Tribunal to seek the Applicant's comments on the Respondent's request of 28 December 2010.

9. The present Order is wit

IT IS ORDERED THAT:

10. The Respondent's request for leave to file reply only on the issues of receivability is refused.

(Signed)

Judge Ebrahim-Carstens

Dated this 29th day of December 2010