



Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

MAUNG

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON ABANDONMENT

Counsel for Applicant:

Lennox S. Hinds

Didier Sepho

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

Elizabeth Gall, ALS/OHRM, UN Secretariat

Introduction

1. On 21 March 2014, six staff members in the Publishing Section, Meeting and Publishing Division, of the Department for General Assembly and Conference the decision to abolish their respective posts, effective 1 January 2014, resulting in the termination of their permanent appointments. The case was assigned Case No. UNDT/NY/2014/018.

2.

The Respondent contended that at least some of the Applicants were currently considered for positions and, if selected, their claims would be rendered moot.

3. On 6 May 2014, by Order No. 107 (NY/2014), the Tribunal ordered that the Applicants file and serve a submission indicating their current appointment and contractual status, advising also whether they maintained their claims, either in full or in part.

4. On 14 May 2014, Counsel for the Applicants filed a response to Order No. 107 (NY/2014) informing the Tribunal that the Applicant had been on certified sick leave since December 2013.

5. In view of the apparently diverse situation of each Applicant, on 11 July 2014 and 21 November 2014, respectively, the Tribunal held a Case Management Discussion to identify precisely the status and claims of each Applicant, the factual and legal issues arising therefrom, whether any claim was to be withdrawn, whether the individual claims should be severed, and any other relevant matters to ensure the most fair and expedient process with a view to judicial economy.

6. Following the parties at the 21 November 2014 CMD, by Order No. 337 (NY/2014) dated 11 December 2014, the Tribunal ordered the claims of each of the six applicants of Case No. UNDT/NY/2014/018 to be severed and considered

postponement, or withdrawal of a case. However, abandonment of proceedings and withdrawal of applications are not uncommon in courts and generally result in a dismissal of the case either by way of an order or a judgment. In this regard, reference can be made to art. 19 of the Dispute

Conclusion

13. This matter is hereby dismissed for want of prosecution, without determination on the merits.

(Signed)

Judge Ebrahim-Carstens

Dated this 14th day of September 2015