
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/031
Order No.: 7 (NY/2018)
Date: 17 January 2018
Original: English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Morten Albert Michelsen, Officer-in-Charge

SHEHADEH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON WITHDRAWAL

Counsel for Applicant:

Daniel Trup, OSLA
Natalie Dyjakon, OSLA

Counsel for Respondent:

Alister Cumming, ALS/OHRM, UN Secretariat

7. On 12 October 2017,

resolution of 30 October 2015);

f.

and expressed their consent before the implementation of the unified salary scale and the related transitional measures;

g. Documents setting forth the calculation of salary rights and allowances for a new staff member in a similar position as the Applicant, which was employed on or after 1 January 2017;

h. Documents setting forth the findings of the Office of Legal Affairs that were given to the ICSC.

documentation and address the following questions:

a. If, as recommended by the ICSC in para. 222 of its 2015 report to the General Assembly, the Applicant, as part of the group receiving prior to January 2017 a salary calculated on the dependency rate, benefitted from legal guidance to learn what the consequences of the implementation would be;

b. In light of ST/AI/201

sional level,

was implemented in relation to his rights;

c.

The parties are to attend a CMD on **Wednesday, 17 January 2018 at 10:30 a.m.** and they are to confirm their availability no later than **Monday, 15 January 2018 at 5:00 p.m.**

9. On 12 January 2018, the Applicant filed a notice of withdrawal, stating that he seeks to withdraw all his allegations and claims before the Dispute Tribunal in respect to [Case No. UNDT/NY/2017/031] .

10. On the same date, 12 January 2018, the Respondent filed his response to Order No. 272 (NY/2017).

Consideration

11. The Tribunal commends the Applicant for withdrawing the present case. This saves valuable resources and contributes to a harmonious working relationship between the parties.

12. The Tribunal considers that each person has the fundamental human right to free access to justice, which includes the right to file an application in front of an impartial tribunal, and therefore also the right to withdraw that application.

13. An
the contested decision. This is the first procedural act by which an applicant invests the Tribunal of dealing with the appeal. The whole procedural activity will take place within its limits and the application must be filed by the person who has the right to appeal the contested decision (*ratione personae*), within the applicable time limit (*ratione temporis*) and in front of the competent Tribunal (*ratione loci*).

14. Consequently, to be legally valid, a request for the withdrawal of an application has to be formulated by the applicant and/or by his/her counsel and must

consist of his/her
case before a judgment is issued.

15. An application can be withdrawn orally and/or in writing, partially or entirely. The withdrawal request can refer either to the pending application (as a procedural act) or to the right to appeal itself.

16. If an identical application is filed by the same applicant against the same party

19. In conclusion, the object of the withdrawal request is the right to appeal itself and represents the Applicant has withdrawn his application, the Tribunal no longer needs to make a determination on the merits and takes note of the withdrawal.

IT IS ORDERED 07NmA4(IT] TJET@0.00000912 0 612 792 reW*nBT/F1 12 Tf1 0 0 1 229.) 1>BDC qtD