Introduction

1. The Applicant, who is currently Chief, Financial Policy and Internal Controls at the D-1 level with the Office of Programme Planning, Finance and Budget, filed several claims before the Dispute Tribunal reflecting his concerns about the manner in which he has been treated over a course of time in relation to a number of applications he made for promotion or lateral transfer. In presenting his cases he made various allegations regarding individual as well as institutional failures in giving full and proper effect to the letter and spirit of the staff selection system.

2. It should be noted that these allegations were denied by the Respondent so it was for the Tribunal to make factual determinations on the merits of the opposing contentions and to apply the law. As a necessary pre-requisite to performing this task the cases had to be subjected to proactive and detailed case management by the Tribunal to include consideration as to whether the cases were amenable to an alternative resolution of the dispute ("ADR").

3. On 1 April 2019, the following cases were reassigned to the undersigned

short assignments and that this criterion was discriminatory. The Respondent replied that the Applicant's experience in the form of short assignments was insufficient to meet this criterion which required an actual deployment and installation in field missions. Further, the Respondent submitted that the desirable criterion was included to establish a viable roster and is consistent with General Assembly Resolution 63/250 which invited the Secretary-General to fully consider the relevant field experience of the candidates when appointing officials at the D-1 and D-2 levels that provide backstopping and/or policy guidance to field missions.

8. Following a series of CMD's at which the issues in the cases were discussed, it appeared to the Tribunal that the ongoing litigation between the parties may not necessarily be in the best interest of the individual staff member or the Organization.

10. An opportunity arose in the course of the hearing in case UNDT/NY/2017/103 for the Tribunal to take the initiative to share with the parties certain observations based on an overview of all these cases, and having regard to General Assembly Resolution 70/112, adopted on 31 December 2015, which provides:

> 29. *Notes with concern* the increase in the number of pending cases before the Dispute Tribunal and the high cost to the Organization due to financial compensation paid to staff, and in this regard encourages further efforts to handle cases in an effective and efficient manner, including through enhanced cooperation between the formal and informal parts of the system of administration of justice and proactive case management by the judges of the Tribunal;

11. The Tribunal took into account that the Applicant was being assisted by Co-Counsel, a former staff member Mr. Setondji Roland Adjovi, and that for some weeks he was being assisted by Ms. Patricia Nemeth, the President of the United Nations Staff Union in New York, in attempts at reaching an amicable resolution. The Tribunal recalled that General Assembly Resolution 635s000912 0 612 792 reW*nBT/F1 12 Tf1 0 0 1 275.

16. The Tribunal considers that, although each claim was being dealt with separately, given the resolution agreed between the parties, these claims be subject to an order for combined proceedings and the Tribunal so orders.

17. The foregoing brief description illustrates the benefits of proactive case management as envisaged by the General Assembly in Resolution 63/253. The key to resolving such seemingly intractable problems is the willingness of all concerned to respond positively to the guidance offered by the Tribunal after a detailed analysis of the issues.

Judgment

18. There being no matter for judicial consideration and determination in these cases, it is ordered that case numbers UNDT/NY/2017/063, UNDT/NY/2017/102, UNDT/NY/2017/103, and UNDT/NY/2017/115 be closed.

(Signed)

Judge Goolam Meeran

Dated this 22nd day of May 2019

Entered in the Register on this 22nd day of May 2019

(Signed)

Nerea Suero Fontecha, Registrar, New York