
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/025

Judgment No.: UNDT/2018/124

Date: 14 December 2018

Original: English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Nerea Suero Fontecha

CAMERA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON WITHDRAWAL

Counsel for Applicant:

Daniel Trup, OSLA

Natalie Dyjakon, OSLA

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

Alister Cumming, ALS/OHRM, UN Secretariat

9. On 15 June 2017, by Order No. 116 (NY/2017), the Tribunal instructed the Tribunal in New York on 22 June 2017.

10. At the CMD held on 22 June 2017, Counsel for both parties attended in person (for the Applicant, Mr. Daniel Trup and Ms. Natalie Dyjakon and, for the Respondent, Mr. Alister Cumming)

Counsel indicated that there are currently three types of salary scale cases pending before the Tribunal, of which the present case is one, involving different legal issues.

judgment in a similar case, namely *Ovcharenko et al.* 2015-UNAT-530, the Tribunal found the application to be receivable *rationae materiae* as it concerned an administrative decision with direct impact on the actual salary of the Applicant, who had filed the present application after receiving his January 2017 pay slip.

11. By Order No. 127 (NY/2017) dated 29 June 2017, among other orders, the Tribunal instructed Counsel for the Applicant to state, in writing, what the three types of salary scale cases involving different legal issues are and identify them, and to inform the Tribunal, after consulting with the parties, if the options of: (a) consolidation of cases based on the criteria of the identical legal issue invoked in considered.

12. On 30 June 2017, the parties filed a joint submission pursuant to Order No. 127 (NY/2017) in which they indicated that the first category of cases are those

-dependent spouse and dependent children (including a child who is or will be 21 years

belonging to this category, namely the present case, Case No. UNDT/NY/2017/027 (Shermet) and Case No. UNDT/NY/2017/041 (Hanoch). The Applicant requested that these cases be consolidated.

13. By Order No. 173 (NY/2017), issued in Case No. UNDT/NY/2017/027 (Shermet) on 23 August 2017 and Order No. 174 (NY/2017), issued in Case No. UNDT/NY/2017/041 (Hanoch) on 23 August 2017, the Tribunal consolidated these cases along with the present case.

14. On 8 September 2017, the Respondent filed his response to Orders No. 127 (NY/2017), No. 173 (NY/2017) and No. 174 (NY/2017).

15. On 12 October 2017, Applicant Counsel filed a submission requesting the establishment of a three-judge panel to review the cases listed before New York. Further, Counsel for the Applicant updated the list of pending salary scale cases before the undersigned Judge.

Counsel filed additional submissions on receivability.

16. By Order No. 269 (NY/2017) issued on 11 December 2017, the Tribunal provided the following orders (emphasis omitted):

11.
rejected.

12. By 5:00 p.m. on Friday, 12 January 2018,

17. On 12 January 2018, the Applicant filed a reductions of [his] contracted monthly salary between 31 January 2017 and 31 December 2017 and the methodology to calculate the requested c

18. By Order No. 11 (NY/2018) issued on 19 January 2018, the Tribunal ordered the parties to file additional documentation and to agree on a date for a CMD in the period from 1 to 9 March 2018.

19. On 14 February 2018, the Applicant filed a submission pursuant to Order No. 11 (NY/2018) and provided a copy of his statement of earnings and deductions for December 2017 and January 2018.

20. On 14 February 2018, the parties filed a joint submission pursuant to Order No. 11 (NY/2018) containing additional submissions on various matters and provided the agreed date of 7 March 2018 for the next CMD.

21. At the CMD held on 7 March 2018, Counsel for both parties attended in person (for the Applicant, Mr. Daniel Trup and Ms. Natalie Dyjakon, and for the Respondent, Mr. Alister Cumming). The Applicant Counsel, Mr. Daniel Trup, informed the Tribunal that, on 2 March 2018,

22.

34. On 14 September 2018, referring to *Lloret Alcaniz et al.* 2018-UNAT-840, the Respondent filed a submission in which he, *inter alia*, stated that:

In the present case, the claims made by the Applicant are identical to the arguments already considered and rejected by the Appeals Tribunal in *Lloret Alcaniz*, as well as in *Quijano-Evans et al.* [2018-UNAT-841] and *Mirella et al.* [2018-UNAT-842]. There is no

39. 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.

40. The Applicant expressed in his motion of 14 September 2018 his will to withdraw his application and thereby to end the pending litigation.

41. end the litigation. Since the Applicant has withdrawn his application, the Tribunal no longer needs to make a determination on the merits and takes note of the withdrawal.

Conclusion

42. In the light of the foregoing, the Tribunal DECIDES

43. The Applicant has withdrawn the application. There being no matter for adjudication by the Dispute Tribunal, Case No. UNDT/NY/2017/25 is hereby closed.

(Signed)

Judge Alessandra Greceanu

Dated this 14th day of December 2018

Entered in the Register on this 14th day of December 2018

(Signed)

Nerea Suero Fontecha, Registrar, New York