Considerations

9. The Tribunal
of proceedings. *ex parte* filing of his medical reports was given due regard.

10. At the outset
a reiteration of his previously filed and dismissed motion.

11. In Order No. 009 (NBI/2022), the Tribunal stated that it was not required to receivability;
and that, indeed, the Tribunal can properly rule on its jurisdiction *proprio motu* and following its own inquiry, with or without on whether the application is receivable.

12. This principle was also underscored in *Cherneva* UNDT/2021/101, where the Court held thus:

> constitutes a matter of law and the Statute prevents the [Tribunal] from receiving a case which is actually non- ee *Christensen* 2013-UNAT-335, para. 21).

13. The Tribunal -
also considering time and effort expounded by the Applicant on every motion for extension of time - cannot be considered serious to the extent of preventing him to file brief submissions on the receivability issue.

14. The Tribunal finds that there are no grounds for it to revise or reconsider its previous ruling on the matter
will proceed to rule on the receivability of this case.

Receivability

15. In this application, the Applicant impugns the decision of the DHR to designate the DRD/

in 2021. In particular, he complains about the conflict of interest of the DRD, for the simple fact that she directly reports to the Regional Director (RD) (whom the Applicant is litigating against

influence. He asked the Administration to allow the Deputy Executive Director (Programs) to assume supervision, as allowed in the previous year.

16. The challenged decision constitutes the foundation of the final decision on

Appraisal and Development (PAD); it immediately, although indirectly, impacts the harmonious and trustful disposition to work by the Applicant 890.5629 Tf1 0 0 1 277a1 000044 841mai3 0 5 W BT004C00561 1 0(owe)6(d)-9(in)18( )- (en000008B)

17. The Respondent alleges - without giving evidence on it - that

supervision

that the situation in any case could impact the serenity of the Applicant at work.

18. The application is therefore receivable *ratione materiae*.

19. The Respondent submits that this application 297.940 G[0520F0003>24995.44 841.92297.94

(Signed)
Francesco Buffa
Dated this 28th day of February 2022

Entered in the Register on this 28th day of February 2022
(Signed)

Eric Muli, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi