



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2014/078
Order No.: 350 (NY/2014)
Date: 30 December 2014
Original: English

Before: Judge Ebrahim-Carstens
Registry: New York
Registrar: Morten Albert Michelsen, Officer-in-Charge

GITTENS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON WITHDRAWAL

Counsel for Applicant:

Lennox S. Hinds

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 Meeting and Publishing Division, Publishing Section of the Department for General Assembly and Conference Management (“DGACM”), filed a joint application contesting the decision to abolish their respective posts, effective 1 January 2014, resulting in the termination of their permanent appointments. This application was registered by the Registry of the Dispute Tribunal in New York as *Crotty et al.* UNDT/NY/2014/018. The Applicants state that, in February 2014, they were informed that the date of termination of their appointments was postponed until 20 April 2014.

2. By Order No. 61 (NY/2014), dated 10 April 2014, the Tribunal rejected the Applicants’ motion for expedited consideration on the grounds, *inter alia*, that the Applicants and the Respondent were “actively involved in order to avoid a termination of the employment contracts on 20 April 2014”.

3. The Respondent’s reply to the joint application was filed on 21 April 2014. The Respondent submitted that at least some of the Applicants were currently considered for job openings and, if selected, their claims would be rendered moot.

4. 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.

5. On 14 May 2014, Applicants’ Counsel filed a response to Order No. 107 informing the Tribunal that Applicant Gittens was withdrawing his claim, and briefly advising the Tribunal of the status of the remaining Applicants.

6. In view of the apparently diverse situation of Applicant Gittens and the remaining Applicants, the Tribunal held a Case Management Discussion (“CMD”) on 11 July 2014 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Applicant, the factual and legal issues arising therefrom, whether any claim was to be withdrawn, whether the individual claims should be severed, and any other relevant matters to ensure the most fair and expedient process with a view to judicial economy. Following the CMD and the Tribunal's Order No. 193 (NY/2014), dated 15 July 2014, Applicants' Counsel filed a response on 11 August 2014 confirming that Applicant Gittens was withdrawing his claim.

7. Pursuant to the Tribunal's direction in Order No. 303 (NY/2014), dated 6 November 2014, Applicant's Counsel filed, on 14 November 2014, a formal notice of withdrawal stating that Applicant Gittens was withdrawing his case in finality, including on the merits, without liberty to reinstate, and with the intention of resolving all aspects of the dispute between the parties.

8. Considering that the Applicants' causes of action and relief are differently situated, for reasons of judicial economy and expeditious disposal, the Tribunal conducted a further CMD on 21 November 2014 to discuss whether the matter of Gittens should be separated from *Crotty et al.* in order to render a separate, final, and enforceable judgment or order on each cause or claim that is differently situated. Counsel for the parties agreed at the CMD that the various claims could be severed and considered individually.

9. In this respect, by Order No. 337 (NY/2014) dated 11 December 2014, the Tribunal ordered the case of Applicant Gittens be severed from *Crotty et al.* to be determined and/or disposed individually as *Gittens*

entirely, including on the merits without liberty to reinstate and with the intention of resolving all aspects of the dispute between the parties”.

13. The Applicant’s unequivocal withdrawal of the merits signifies a final and binding resolution with regard to the rights and liabilities of the parties in all respects in his case, requiring no pronouncement on the merits but concluding the matter *in toto*. Therefore, dismissal of his case with a view to finality of proceedings is the most appropriate course of action.

14. The benefits of judicial interv