



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2014/082

Order No.: 351 (NY/2014)

Date: 30 December 2014

Original: English

Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Morten Albert Michelsen, Officer-in-Charge

DELGADO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON ABANDONMENT

Counsel for Applicant:
Lennox S. Hinds

Counsel for Respondent:
Alan Gutman, ALS/OHRM, UN Secretariat
Elizabeth Gall, ALS/OHRM, UN Secretariat

economy. Following the CMD and the ~~Final~~ Tribunal's Order No.

withdrawal of applications are not uncommon in courts and generally result in a dismissal of the case either by way of order or a judgment. In this regard, reference can be made to art. 19 of the Dispute Tribunal's Rules of Procedure, which states that the Dispute Tribunal "may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties". Also, art. 36 of the Dispute Tribunal's Rules of Procedure provides that all matters that are not expressly provided in the Rules shall be dealt with by decision of the Dispute Tribunal in that particular case by virtue of the powers conferred on it by art. 7 of its Statute.

10. The Dispute Tribunal has on several occasions enunciated the cardinal principle of procedural law that the right to institute and pursue legal proceedings is predicated upon the condition that the person exercising this right has a legitimate interest in initiating and maintaining legal action and that access to the court has to be denied to those who are no longer interested in the proceedings or are no longer in need of judicial remedy (Bimo and Bimo UNDT/2009/061, Saab-Mekour UNDT/2010/047).

11. In the instant case, the Applicant's legal representative and Counsel of record, has filed an unequivocal notice of abandonment of proceedings on behalf of Applicant Delgado, indicating that his client has abandoned the proceedings and is either no longer interested in the proceedings or is no longer in need of judicial remedy.

12. The Applicant having abandoned the proceedings in his case, and considering that in order "to ensure the stability of the judicial process, there must be an end to litigation" (Meron 2012-UNAT-198), this matter stands to be dismissed.

Conclusion

13. This matter is hereby dismissed for want of prosecution, without determination on the merits.

(Signed)

Judge Ebrahim-Carstens

Dated this 30th day of December 2014