
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/059

Order No.: 91 (NY/2018)

Date: 27 April 2018

Original: English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Pallavi Sekhri, Officer-in-Charge

SHINDO

v.

SECRETARY-GENERAL

6. By Order No. 158 (NY/2017) issued on 8 August 2017, the Tribunal instructed the Applicant to file a response to the receivability issue raised by the Respondent in his reply by 30 August 2017.

7. The Applicant filed his submission in response to Order No. 158 (NY/2017) on 28 August 2017.

8. By Order No. 16 (NY/2018) issued on 23 January 2018 the Tribunal instructed the parties as follows (emphasis omitted):

... By 5:00 p.m. on Friday, 2 February 2018, the parties shall file a joint submission informing the Tribunal whether they agree to enter into informal resolution of the case either through the Office of the Ombudsman or through *inter partes* discussions and whether they seek the suspension of the proceedings;

... In the event the parties do not agree to pursue informal resolution, by 5:00 p.m. on Friday, 2 February 2018 the parties are to file separate statements informing the Tribunal if additional written and/or oral evidence is requested to be produced and, if so, stating its relevance;

... If the parties agree that no further evidence is requested and that the Tribunal may decide the case on the papers before it, the parties are instructed to file their closing submissions, based only on the evidence already before the Tribunal, by 5:00 p.m. on Friday, 9 February 2018.

9. On 25 January 2018, the Applicant filed by email a request for extension of time informing that his Counsel, Mr. Ibrahima Faye, is on annual leave until 12 February 2018.

shall confirm to the Tribunal, in writing, that his application is withdrawn fully, finally and entirely, including on the merits.

14. On 15 March 2018, the parties filed a joint submission informing the Tribunal that “[...] the parties continue to explore informal resolution of the case through *inter partes* discussions. The parties have reached an advanced stage in their discussions”. The parties requested a further suspension of the formal proceedings of two (2) weeks in order to conclude their discussions.

15. On 19 March 2018, the parties were informed via email that the request for extension is granted and an order will follow.

16. By Order No. 59 (NY/2018) issued on 20 March 2018, the Tribunal instructed the parties as follows:

... The parties’ joint request for suspension of the proceedings is granted and the proceedings before the Tribunal are suspended until 3 April 2018;

... By 5:00 p.m. on Tuesday, 3 April 2018, the parties are to inform the Tribunal as to the progress of the informal discussions and/or

19. On 26 April 2018, Counsel for the Applicant filed a notice of withdrawal, stating that:

... Pursuant to the terms and conditions of a Confidential Settlement Agreement signed between the Applicant and the Respondent on 26 April 2018;

... The Applicant hereby inform[s] the [Dispute Tribunal] that he/her[e]by withdraw[s] his Application UNDT/NY/12017/059 dated 23 June 2017, this, in response to [the Dispute Tribunal's] [O]rder No. 72 (NY/2018) from Honourable Judge Alessandra Greceanu dated 3rd April 2018”[;]

... The full, entire and final [w]ithdrawal of the [a]pplication Number UNDT/NY/2017/059, including on the merits, is done in view of and in order to give full effect to the amicable agreement reached between the parties at the outset of a successful *inter partes* discussion.

Consideration

20. The Tribunal commends the Applicant for withdrawing the present case based on the informal commun Tf1 0 0 1 24] TJE Tm0r

IT IS ORDERED THAT:

29. The Applicant has withdrawn the matter in finality. There being no matter for adjudication by the Dispute Tribunal, Case No. UNDT/NY/2017/059 is hereby closed