



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/030  
Order No.: 101 (NY/2023)  
Date: 10 October 2023  
Original:

## **Introduction**

1. On 12 September 2023, the Applicant, a staff member of the Department of Operational Support in New York, filed an application in which he contests [t]wo negative decisions violating the duty of care and the obligation to protect staff member against discrimination .

2. On 3 October 2023, the Respondent filed a motion on receivability in which he challenges the receivability of the application and requests the Tribunal to determine this as a preliminary issue.

## **Consideration**

3. In accordance with art. 19 of the Dispute Tribunal s Rules of Procedure, for the fair and expeditious disposal of the case and to do justice to the parties, the Tribunal will grant the Respondent s request to have receivability decided as a preliminary issue. Consequently, the deadline for filing the reply under art. 10.1 of the Dispute Tribunal s Rules of Procedure is to be suspended. Also, the Applicant is to be instructed to file a rejoinder in response to the Respondent s submissions thereabout.

### **IT IS ORDERED THAT:**

4. The Respondent s motion to have the receivability on the application decided as a preliminary issue is granted;

5. The deadline for the Respondent to file his reply

6. By **4:00 p.m. on Tuesday, 7 November 2023**, the Applicant is to file a rejoinder responding to the Respondent's submissions regarding the non-receivability of the application.

*(Signed)*

Judge Joelle Adda

Dated this 10<sup>th</sup> day of October 2023

Entered in the Register on this 10<sup>th</sup> day of