
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2023/002
Order No.: 026 (NY/2024)
Date: 6 March 2024
Original: English

Before: Joelle Adda

Registry: New York

Registrar: Isaac Endeley

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6. In the Applicant's 19 January 2024 submissions, she objects to the motion, submitting, in essence, that: (a) the Respondent "is wrong in law in suggesting a request for exception is required for the [Dispute Tribunal] to adjudicate the non-grant of exception" under staff rule 12.3, (b) a "request for exception to the staff rules was made" in the present case, (c) the "position taken in the motion for summary judgement runs contrary to the position taken before [the Appeals Tribunal]", and (d) the "motion for summary judgement seeks to use procedure to block the clear interests of justice".

7. In light of the circumstances of the case, including the submission made by the Applicant on 19 January 2024, the Tribunal rejects the Respondent's motion for summary judgement as the Respondent has not established that "no dispute as to the material facts of the case" exists in the present case.

The Respondent's filing of a reply

8. After having considered the Applicant's 19 January 2024 submissions, the Tribunal amends Order No. 143 (NY/2023) as it now finds that, in accordance with art. 19 of the Dispute Tribunal's Rules of Procedure,

12. Subsequently, the case will be decided in a final judgement unless either of the parties objects thereto by **4:00 p.m. on Tuesday, 19 March 2024** or otherwise ordered by the Tribunal.

(Signed)

Judge Joelle Adda

Dated this 6th day of March 2024

Entered in the Register on this 6th day of March 2024

(Signed)

Isaac Endeley, Registrar, New York