

Introduction

1. On 24 October 2012, the Applicant filed a motion requesting the transfer to the Dispute Tribunal of his case that was previously before the former United Nations Administrative Tribunal (Case No. 1640/2008) and the reinstatement of his case in front of the Dispute Tribunal in order to pursue his original appeal.

Relevant background

2. On 14 October 2008, the Applicant filed an application with the former United Nations Administrative Tribunal (“former Administrative Tribunal”) requesting that the former Administrative Tribunal find that the 18 July 2008 monetary award of USD31,227.84 prov27.8p1n2

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Accordingly, the Applicant ... will instead wait for a definite response from the ABCC before he decides on a future course of action”.

11. On 16 June 2013, the Dispute Tribunal issued Order No. 145 (NY/2013) whereby it again requested that the Applicant inform it as to the status of the proceedings in front of the ABCC and whether the present proceedings in front of the Dispute Tribunal should be maintained. On 28 June 2013, the parties submitted a jointly signed response stating that due to the absence of the MSD official who was on leave until 8 July 2013 they had “been unable to come to a joint conclusion on the status of the Applicant’s proceedings before the ABCC” and asking for an extension of time to respond to Order No. 145 (NY/2013) until 12 July 2013.

12. On 3 July 2013, the Dispute Tribunal issued Order No. 164 (NY/2013), granting the parties’ joint request for an extension of time. On 12 July 2013, the parties submitted a jointly signed response that indicated that the ABCC had requested that the Applicant formulate “a clear articulation ... of the ailment for which compensation is sought”. The parties further stated that if “the Applicant accepts the determination so made by the MSD, the Applicant will consider the matter closed”.

Consideration

Re-instatement

13. On 24 December 2008, the General Assembly adopted resolution 62/253 (“Administration of justice at the United Nations), which in sec. IV (“Transitional measures”) (paras. 43–45) decided to abolish the United Nations Administrative Tribunal as of 31 December 2009 and that all cases pending before the joint appeals boards, the joint disciplinary committees and the d25 0 TD.licant9 until 8s2ional Te re5 0 T53 2591

Nations Administrative Tribunal, as from the abolishment of that Tribunal, shall be transferred to the United Nations Dispute Tribunal.

14. Similar provisions were included in sec. 4.1–4.2 of ST/SGB/2009/11 (Transitional measures related to the introduction of the new system of administrative justice): the United Nations Administrative Tribunal was to be abolished as of 31 December 2009 and cases that had not been decided by 31 December 2009 were to “be transferred to the United Nations Dispute Tribunal as of 1 January 2010”. In light of these mandatory provisions all the cases pending before the former Administrative Tribunal were to be transferred to the Dispute Tribunal on 1 January 2010.

14. Case No. 1640/2008 was pending before the former Administrative Tribunal on 31 December 2009 because it remained suspended and had not been withdrawn by

18.

Conclusions

30. In the view of the foregoing, the Tribunal DECIDES:

31. The case is dismissed.

(Signed)

Judge Alessandra Greceanu

Dated this 5th day of September 2013

Entered in the Register on this 5th day of September 2013

(Signed)

Hafida Lahiouel, Registrar, New York