Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Hafida Lahiouel

AGONA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON WITHDRAWAL

Counsel for Applicant:
Edward P. Flaherty

Counsel for Respondent:
Andreas Ruckriegel, UNFPA

Introduction

1.   On 27 December 2011, the Applicant filed his application with the Dispute Tribunal in which he contested the administrative decision not to promote him through a "rank-in-post exercise", meaning an upgrading of his post from the P-3 to the P-4 level, in connection with a reorganisation of the United Nations Populations Fund ("UNFPA"), and the ensuing decision not to select him for the post of United Nations Reform Adviser at the P-5 level.

2.   By reply dated 24 January 2012, the Respondent requested the Tribunal to reject the application claiming that it was not receivable and without merit.

3.   By notice of withdrawal dated 26 September 2012, the Applicant informed the Tribunal that he wished to withdraw his application. As background for the withdrawal, the Applicant noted that "that the reasons and circumstances which led to his filing of his [the application] have changed, and the purpose and goal of [it] have now become moot".

Consideration

4.   The Tribunal is satisfied that the withdrawal of the application as being moot has clearly disposed of the merits of the case. Having received notice from the Applicant that he no longer wishes to pursue his case and that there are no outstanding claims arising from the present case, there remains no matter for adjudication by the Tribunal

Conclusion

5.   In light of the Applicant's withdrawal of his application and there remaining no matter for adjudication by the Dispute Tribunal, Case No. UNDT/NY/2011/096 is hereby closed.

(*Signed*)

Judge Ebrahim-Carstens

Dated this 8th day of November 2012

Entered in the Register on this 8th day of November 2012

(*Signed*)

Hafida Lahiouel, Registrar, New York