



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2010/004  
/UNAT/1567  
Judgment No.: UNDT/2011/025  
Date: 1 February 2011  
Original: English

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**Before:** Judge Vinod Boolell

**Registry:** Nairobi

**Registrar:** Jean-Pelé Fomété

BIAU

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

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**Counsel for applicant:**

Katya Melliush, OSLA  
Bart Willemsen, OSLA

**Counsel for respondent:**

Saidou N'dow, UN-HABITAT

1. The Applicant, a staff member of the United Nations Human Settlements Programme (UN HABITAT), filed an application with the former United Nations Administrative Tribunal (UNAT) contesting the decision of the Secretary-General not to accept the recommendation of the former Joint Appeals Board (JAB) that he be offered appropriate compensation for performing higher level functions, first at an Acting Deputy Executive Director level and subsequently at an Assistant Secretary-General level with UN HABITAT, during a period of seven and a half years (i.e. July 1998-November 2005).

2. On 13 July 2010, the Parties were ordered to consult with each other and inform the Tribunal whether they were prepared to consider mediation. On 28 October 2010, the Parties moved the Tribunal for an adjournment on the grounds that they had entered into negotiations with a view to informal settlement of the dispute. The adjournment was granted to 30 November 2010. Subsequent to two other joint motions from the Parties, formal proceedings were adjourned to 28 January 2011.

3. On 28 January 2011, the Parties informed the Tribunal that agreement had been reached by the Parties to settle the matter informally. The Applicant therefore filed a signed statement withdrawing his application.

4. **NOTING** the agreement between the Parties, and the Applicant's notice of withdrawal, the Tribunal **hereby orders** that the matter of Biau v. Secretary-General of the United Nations, registered as UNDT/NBI/2010/004/UNAT/1567, be struck out.

*(Signed)*

Judge Vinod Boolell

Dated this 1<sup>st</sup> day of February 2011

Entered in the Register on this 1<sup>st</sup> day of February 2011

*(Signed)*

Jean-Pelé Fomété, Registrar, UNDT, Nairobi