



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2019-1295 through 2019-1300 and 2019-1311

Thomas *et al.*
Prasad *et al.*
Gera *et al.*
Bhatia *et al.*
Manoharan *et al.*
Jaishankar & Bharati
Alex *et al.*
(Appellants)

vs.

Secretary-General of the United Nations
(Respondent)

ORDER No. 359 (2019)

Case Management - Consolidation

1. The present cases arose from a 2013 salary scale survey for local staff in India pursuant to the methodology adopted by the International Civil Service Commission. The Appellants were locally-recruited staff members working for different agencies and organizations based in India. The 2013 salary scale survey led to the freeze of their existing salaries and the subsequent downward adjustment thereof. Numerous local staff members planned to appeal the decisions affecting their salaries. Before they did so, they filed individual motions with the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Geneva seeking an extension of the time limit to file an application. But UNDT treated those motions as incomplete applications and dismissed them as not receivable *ratione materiae*. Those UNDT judgments were appealed to this Tribunal. In March 2016,

the Appeals Tribunal reversed the UNDT findings and remanded the cases to the Dispute Tribunal with directions to permit the Appellants to file their applications.

2. On 30 May 2019, the Dispute Tribunal in Geneva issued six Judgments: No. UNDT/2019/099 (*Prasad et al. v. Secretary-General of the United Nations*), No. UNDT/2019/100 (*Thomas et al. v. Secretary-General of the United Nations*), No. UNDT/2019/101 (*Gera et al. v. Secretary-General of the United Nations*), No. UNDT/2019/102 (*Bhatia et al. v. Secretary-General of the United Nations*), No. UNDT/2019/103 (*Manoharan Chandran Sharma Subramanian Naik Siddiqui v. Secretary-General of the United Nations*), and No. UNDT/2019/104 (*Jaishankar Bharati v. Secretary-General of the United Nations*). On 28 June 2019, the Dispute Tribunal issued Judgment No. UNDT/2019/121 (*Alex Arora et al.; Chaturvedi et al.; Daniel et al.; and Kapoor et al. v. Secretary-General of the United Nations*).¹ In the seven judgments, the UNDT found that all the applications were receivable *ratione temporis*, but they were not receivable *ratione materiae*, because the Appellants had failed to comply with the compulsory requirement of requesting management evaluation before applying to the Dispute Tribunal.

3. All seven Judgments have been appealed. The appeals are registered under the following case numbers:

2019-1295, *Thomas et al. v. Secretary-General of the United Nations*

2019-1296, *Prasad et al. Secretary-General of the United Nations*

2019-1297, *Gera et al. v. Secretary-General of the United Nations*

2019-1298, *Bhatia et al. v. Secretary-General of the United Nations*

2019-1299, *Manoharan et al. v. Secretary-General of the United Nations*

2019-1300, *Jaishankar & Bharati v. Secretary-General of the United Nations*

2019-1311, *Alex et al. v. Secretary-General of the United Nations*

¹ The seven UNDT judgments concerned a total of 80 applications.

4. The documentation of these cases is complete, and these cases will be placed on the docket for the 2020 Spring Session. As they involve a common set of facts and raise the same legal issues, for reasons of economy and efficiency, I have decided on my own volition to consolidate six of these cases into one case for review, pursuant to Article 18*bis* of the Appeals Tribunal Rules of Procedure. The consolidation does not include case no. 2019-1299, *Manoharan et al. v. Secretary-General of the United Nations*, which will be treated as a separate case.

IT IS HEREBY ORDERED that the appeals filed by *Thomas et al.* (2019-1295); *Prasad et al.* (2019-1296); *Gera et al.* (2019-1297); *Bhatia et al.* (2019-1298); *Jaishankar & Bharati* (2019-1300); and *Alex et al.* (2019-1311) should be consolidated for all purposes.

IT IS FURTHER ORDERED that any further filings and submissions by any of the parties should be filed under case no. 2019-1295, *Thomas et al.*, the first of the six cases filed, and that any orders and judgment in this consolidated matter will be issued under case no. 2019-1295.

Original and Authoritative Version: English

Dated this 18th day of December 2019
in Athens, Greece.

(Signed)
Judge Dimitrios Raikos,
President

Entered in the Register on this 20th day of
December 2019 in New York, United States.

(Signed)
Weicheng Lin, Registrar