UNDT/2013/096, Shaia

UNAT Held or UNDT Pronouncements

The 11 percent increase in the US Embassy salaries from June 2008 were properly factored into the calculations, but the 2010 increase fell outside the data range for the collection and consideration of data for the 2010 review. There was no evidence of ill motivation or breaches of the relevant rules and guidelines by the Administration.; The Administration did not breach any of the provisions of the Manual when it reached the decision concerning family expenditure surveys. The Office of Human Resources Management used the correct criteria for deciding if a spousal allowance should be created. There were no grounds to justify the Tribunal's interference in the exercise of this discretion.

Decision Contested or Judgment/Order Appealed

The Applicant contested the amount of the salary increases awarded to staff members of the United Nations common system serving in Iraq, including at the United Nations Assistance Mission in Iraq (UNAMI).

Legal Principle(s)

It is not for the Tribunal to substitute its discretion for that of the Administration. The role of the Tribunal is to review the administrative decision that has been challenged and to assess whether the applicable Rules and Regulations have been applies and whether they were applied in a fair, transparent and non-discriminatory manner. The Tribunal may review the exercise of any discretion.

Outcome

Dismissed on merits

Full judgment

Full judgment

Applicants/Appellants

Shaia

Entity

UNAMI

Case Number(s)

UNDT/NBI/2011/042

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

3 Jul 2013

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation
Salary
Salary scales

Applicable Law

Laws of other entities (rules, regulations etc.)

- ICSC RoP
- ICSC Statute

Other UN issuances (guidelines, policies etc.)

- ICSC/57/R.15

Secretary-General's bulletins

- ST/SGB/2011/4

Staff Regulations

- Regulation 3.1

UNDT Statute

- Article 8