

UNDT/2014/098, Reid

UNAT Held or UNDT Pronouncements

The Tribunal found that the Application is not receivable and dismissed it.

Receivability - The Tribunal accepted that the extended use of the temporary appointments was the reason for the disparity in the amount of assignment grant that the Applicant was entitled to and that this negatively affected the Applicant. However, in this Application the Applicant was effectively asking the Tribunal to find that the Rules on assignment grants for staff members on temporary appointments are unlawful. Those rules were based on resolutions of the General Assembly. Pursuant to art. 2 of the UNDT Statute the Tribunal's jurisdiction is limited to a review of the Respondent's application of the Organization's regulations, rules and administrative issuances. The Tribunal has not been vested with the power to review General Assembly resolutions.

Equality - The general principle of "equal pay for equal work" enshrined as a right under Article 23(2) of the Universal Declaration of Human Rights does not prevent the legislative body or the Administration from establishing different treatment for different categories of workers or staff members, if the distinction is made on the basis of lawful goals.

Decision Contested or Judgment/Order Appealed

The Applicant is a former staff member of the United Nations Support Mission in Libya (UNSMIL) who was employed on a series of temporary contracts for over one and a half years. In his Application, he averred that he was entitled to receive a full assignment grant. It is the Applicant's case that he did not receive 30 days of Daily Subsistence Allowance (DSA) and post adjustment amounting to USD11,002.11.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Reid

Entity

UNSMIL

Case Number(s)

UNDT/NBI/2014/6

UNDT/NBI/2014/6/R1

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

15 Jul 2014

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Benefits and entitlements

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Administrative Instructions

- ST/AI/2010/4

Staff Rules

- Rule 7.14(d)

UNDT Statute

- Article 2

Related Judgments and Orders

UNDT/2009/075

2011-UNAT-177