

# **UNDT/2015/022, Applicants UNDP\***

## **UNAT Held or UNDT Pronouncements**

Since the applications were identical and the Applicants served at the same Organization, the Tribunal joined them and ruled on them with a single judgment. The Tribunal found that the applications dealt with identical matters as that subject of judgment *Tintukasiri et al.* UNDT/2014/026, affirmed on appeal by the Appeals Tribunal, and consequently concluded that the applications were not receivable, *ratione materiae*, under the terms of art. 2.1(a) of its Statute. Receivability *ratione materiae*: The decision to freeze existing salary scales and to review downward allowances is of a general order, it applies to a group of staff members defined exclusively by their status and category within the Organization at a certain point in time and location. Hence, the Applicants did not contest an administrative decision under art. 2.1(a).

## **Decision Contested or Judgment/Order Appealed**

By individually submitted applications, the Applicants contest “the decision of OHRM ... [finding] that [as per] the comprehensive salary survey conducted in New Delhi, India, in June 2013, current salaries for locally-recruited staff are above the labour market”, as contained in a UN/OHRM cable of 1 October 2014, which led to the fact that salary scales for staff members on board prior to 1 November 2014 were not reviewed after the survey and that child and language allowances were reviewed downward.

## **Legal Principle(s)**

Binding character of UNAT judgments: The Dispute Tribunal shall recognize, respect and abide by the jurisprudence of the Appeals Tribunal.

## Outcome

Dismissed as not receivable

## Outcome Extra Text

UNDT Judgment reversed by UNAT Judgment Taneja et al. 2016-UNAT-628 remanding the matter to the Dispute Tribunal with directions to permit the staff members to file their applications.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Applicants UNDP\*

## Entity

UNDP

## Case Number(s)

UNDT/GVA/2014/089  
UNDT/GVA/2014/090  
UNDT/GVA/2014/091  
UNDT/GVA/2014/093  
UNDT/GVA/2014/097  
UNDT/GVA/2014/098  
UNDT/GVA/2014/100  
UNDT/GVA/2014/103  
UNDT/GVA/2014/105  
UNDT/GVA/2014/107  
UNDT/GVA/2014/109  
UNDT/GVA/2014/110  
UNDT/GVA/2014/111  
UNDT/GVA/2014/117

UNDT/GVA/2014/118  
UNDT/GVA/2014/121  
UNDT/GVA/2014/126  
UNDT/GVA/2014/135  
UNDT/GVA/2014/136  
UNDT/GVA/2014/138  
UNDT/GVA/2014/141  
UNDT/GVA/2014/149  
UNDT/GVA/2014/165  
UNDT/GVA/2014/195  
UNDT/GVA/2014/175  
UNDT/GVA/2014/186  
UNDT/GVA/2014/187  
UNDT/GVA/2015/040  
UNDT/GVA/2015/085  
UNDT/GVA/2015/088

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

24 Mar 2015

## Duty Judge

Judge Laker

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Administrative decision

Benefits and entitlements

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

## Applicable Law

GA Resolutions

- A/RES/67/241

UNDT Statute

UNAT Statute

- Article 2.1(a)

## Related Judgments and Orders

UNDT/2014/026

2013-UNAT-304

2014-UNAT-410

2013-UNAT-313

2013-UNAT-334

2015-UNAT-526