

# UNDT/2015/024, Applicants UNHCR\*

## 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 Bhatia et al. 2016-UNAT-630 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 UNHCR\*

Entity

UNHCR

Case Number(s)

UNDT/GVA/2014/137

UNDT/GVA/2014/139

UNDT/GVA/2014/140

UNDT/GVA/2014/142

UNDT/GVA/2014/143

UNDT/GVA/2014/144

UNDT/GVA/2014/145

UNDT/GVA/2014/150

UNDT/GVA/2014/151

UNDT/GVA/2014/157  
UNDT/GVA/2014/158  
UNDT/GVA/2014/164  
UNDT/GVA/2014/166  
UNDT/GVA/2014/169  
UNDT/GVA/2014/173  
UNDT/GVA/2014/174  
UNDT/GVA/2014/180  
UNDT/GVA/2014/188  
UNDT/GVA/2014/208

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

TEST -Rename- Benefits and entitlements-45

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