

UNDT/2015/025, Manoharan, Chandran, Sharma, Subramanian, Naik, Siddiqui

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 Subramanian et al. 2016-UNAT-618 remanding the matter to the Dispute Tribunal with directions to permit the staff members to file their applications.

Full judgment

[Full judgment](#)

Applicants/Appellants

Manoharan
Chandran
Sharma
Subramanian
Naik
Siddiqui

Entity

DPI

Case Number(s)

UNDT/GVA/2014/152
UNDT/GVA/2014/153
UNDT/GVA/2014/156
UNDT/GVA/2014/161
UNDT/GVA/2015/095
UNDT/GVA/2015/096

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