

UNDT/2015/045, Bharati

UNAT Held or UNDT Pronouncements

The Tribunal found that the application deals with identical matters as that subject of judgment Tintukasiri et al. UNDT/2014/026, affirmed on appeal by the Appeals Tribunal (Tintukasiri et al. 2015-UNAT-526), and that it was not receivable, *ratione materiae*, under the terms of art. 2.1(a) of its Statute.

Decision Contested or Judgment/Order Appealed

The Applicant contests “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 the 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)

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). 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

Full judgment

[Full judgment](#)

Applicants/Appellants

Bharati

Entity

UN-WOMEN

Case Number(s)

UNDT/GVA/2015/136

UNDT/GVA/2015/136/R1

Tribunal

UNDT

Registry

Geneva

Date of Judgement

5 Jun 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

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