

UNDT/2017/053, Glavind

UNAT Held or UNDT Pronouncements

The Tribunal held that the denial of the Applicant's request for retroactive promotion was lawful. The Tribunal advanced the following reasons: a) It was legitimate for the ASG/OHRM to invoke a reason for denial of retroactive promotion that would have created technical problems and additional costs as pension contributions; b) The denial of the Applicant's request for a retroactive promotion was not unlawful because of the length of the selection process, given that the selection concerned a promotion for a D-1 position requiring utmost care in the examination and consideration of the candidates; c) The denial of retroactive promotion for pension purposes did not violate the principle of equal pay for work of equal value. It does not follow from the principle "equal pay for work of equal value" that a staff member who exercises higher level functions has a right to receive the same salary and pension benefits as a staff member at a higher level exercising the same or similar functions.

Decision Contested or Judgment/Order Appealed

The decision by the Assistant Secretary-General for Human Resources Management ("ASG/OHRM"), dated 27 February 2014, "to refuse the Applicant's application for retroactive promotion commencing January 2012".

Legal Principle(s)

a) The granting of a retroactive promotion is not inconsistent with any staff regulation or General Assembly decision; b) The power to grant retroactive promotion exists and is available to the administration; c) The principle of equal pay for work of equal value exists within the mechanisms of the United Nations.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Glavind

Entity

UNON

Case Number(s)

UNDT/NBI/2014/024

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

13 Jul 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Remedies

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Staff Rules

- Rule 12.3
- Rule 3.10
- Rule 4.15