

UNDT/2017/066, Bahrdwaj

UNAT Held or UNDT Pronouncements

Functus Officio: A final decision cannot be reopened, and once the duties and functions of an office are fully discharged, there is no legal competence for reconsideration of the decision by that office. The Dispute Tribunal ceased to have any jurisdiction over the Applicant's case once the initial judgment was rendered and without the case being remanded by the Appeals Tribunal, the Dispute Tribunal cannot examine the application any further.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the adoption of new salary scales by OHRM resulting from a Comprehensive Local Salary Survey conducted in India in 2013, which concluded that the salaries of locally recruited staff were above the labour market. The Applicant's case together with 28 others had previously been determined and ruled upon and dismissed in Judgment UNDT/2015/022. The Applicant had sought to appeal to UNAT but did not file her application using the eFiling system and her case was deemed abandoned by UNAT. 14 other Applicants among the 29 were successful in their appeal and their cases were remanded to UNDT. The Applicant relied on the remand of the 14 Applicants to file her case before the Dispute Tribunal. The Tribunal found that the Applicant's case was not receivable on the grounds that the Applicant's case had not been remanded to the Dispute Tribunal by UNAT for review and that, as such, the Dispute Tribunal was functus officio.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Bahrdwaj

Entity

UNDP

Case Number(s)

UNDT/GVA/2016/50

Tribunal

UNDT

Registry

Geneva

Date of Judgement

22 Aug 2017

Duty Judge

Judge Bravo

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNDT Statute

- Article 2

Related Judgments and Orders

UNDT/2014/033

UNDT/2011/104