

2013-UNAT-304, Al Surkhi et al.

UNAT Held or UNDT Pronouncements

UNAT held that the relevant Circular contained all the necessary components to give rise to legal consequences for the striking staff and that it had individual application. UNAT held that UNRWA DT committed no legal error when it decided that the relevant administrative decision for the purpose of former Area Staff Rule 111.3 was the decision communicated by way of the Circular and that UNRWA DT correctly determined the terminus a quo for the purpose of computing the time for requesting administrative review. UNAT upheld the UNRWA DT's determination as to the limits of its jurisdiction. UNAT held that UNRWA DT correctly determined that the Appellant's claims were not receivable. On the question of whether UNRWA DT erred procedurally when it permitted the Respondent to participate in the proceedings and to submit a late reply, UNAT held that, whether or not UNRWA DT erred procedurally, in the absence of an order to that effect, such error did not, of itself, vitiate the UNRWA DT's decision that the applications were not receivable *ratione temporis*. UNAT held that the Appellants had failed to demonstrate how UNRWA DT's consideration of their applications was prejudiced by reason of the Respondent's participation in the proceedings. UNAT found no merit in the ground of appeal that UNRWA DT erred in law when it restricted the observations to the Respondent's reply to those Appellants who had requested leave to file such observations. UNAT dismissed the appeal and affirmed the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

The Applicants contested the Administration's decision to make deductions from their salaries in response to their strike action. UNRWA effected re-payment of the deductions more than a year later. UNRWA DT rejected the applications as time-barred in a summary judgment on a matter of law.

Legal Principle(s)

An administrative decision is a unilateral decision taken by the Administration in a precise individual case that produces direct legal consequences to the legal order.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Al Surkhi et al.

Entity

UNRWA

Case Number(s)

2012-336

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Mar 2013

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Benefits and entitlements

Salary

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Procedure (first instance and UNAT)

Applicable Law

UNRWA Area Staff Circulars

- Circular 06/2009

UNRWA Area Staff Rules

- Former Rule 111.3
- Former Rule 111.3(2)

UNRWA DT Statute

- Article 8.3

Related Judgments and Orders

2011-UNAT-108