

2015-UNAT-530, Ovcharenko et al.

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by Mr Ovcharenko et al. and a cross-appeal by the Secretary-General. On the request of Mr Ovcharenko et al. for an oral hearing before the full bench of UNAT, UNAT held that the parties had no standing to request that the case be decided by a full bench and, accordingly, denied the request. UNAT held that UNDT was correct when it examined the merits of the application and concluded that the administrative decision was lawful. UNAT held that the Secretary-General had to comply with the General Assembly decision 67/551 of 24 December 2012 and the ensuing enactment of that decision by the International Civil Service Commission. UNAT held that asking the Secretary-General to behave otherwise, as the appeal did, would have resulted in the unlawful imputation of the powers of the General Assembly to the Secretary-General. UNAT held that due to the dismissal of the appeal, UNAT did not need to address the cross-appeal. UNAT dismissed the appeal and the cross-appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicants contested the Secretary-General's decision to pay post adjustment based on the 68.0 multiplier. UNDT rejected the applications.

Legal Principle(s)

Decisions of the General Assembly are binding on the Secretary-General.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ovcharenko et al.

Entity

DGACM

Case Number(s)

2014-607

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Feb 2015

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Salary

Post-adjustment

Applicable Law

GA Decisions

- 67/551abc

UNAT RoP

- Article 4.2

UNAT Statute

- Article 10.2

Related Judgments and Orders

UNDT/2014/035

2014-UNAT-481

2013-UNAT-393

2010-UNAT-048