

2016-UNAT-628, Taneja et al.

UNAT Held or UNDT Pronouncements

UNAT found that UNDT had not addressed the Appellants' request for an extension of time but had rather converted sua sponte the request into incomplete applications and summarily adjudged their applications as not receivable. UNAT held that UNDT could not have converted sua sponte the Appellants' request for more time into applications. UNAT held that UNDT had not afforded the Appellants the opportunity to file an application and had committed several procedural errors, exceeded its jurisdiction and competence, and violated the Appellants' due process rights. UNAT vacated the UNDT judgment and remanded the matter to UNDT with directions to permit the Appellants to file their applications.

Decision Contested or Judgment/Order Appealed

The Applicants filed a request for an extension of time to file their applications against the decision of the OHRM/International Civil Service Commission, which found according to a comprehensive salary survey conducted in New Delhi, India, that the current salaries for locally recruited staff were above the labour market. UNDT reiterated that the decision to freeze the existing salary scales did not constitute an administrative decision for the purpose of art. 2.1(a) of its Statute. UNDT decided by way of summary judgment that the applications were not receivable *ratione materiae*.

Legal Principle(s)

A request for an extension of time to file an application is not equivalent to an actual application and shall not be treated as such. The requests for an extension of time were made so that the staff members could obtain the information needed to prepare an application. In other words, the staff members were not ready to file an application without first obtaining additional information needed to support said

application. In such circumstances, however, the UNDT is not necessarily required to grant the staff members' requests for an extension of time but shall not sua sponte convert such requests to applications.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Taneja et al.

Entity

UNDP

Case Number(s)

2015-739

2015-740

2015-741

2015-742

2015-743

2015-744

2015-745

2015-746

2015-747

2015-748

2015-822

2015-823

2015-824

2015-825

2015-826

2018-1200

Tribunal

UNAT

Registry

New York

Date of Judgement

3 May 2018

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Due process

Access to justice

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Procedure (first instance and UNAT)

Applicable Law

GA Resolutions

- A/RES/61/261

UNDT Statute

- Article 2.1
- Article 7.5
- Article 8.3

Related Judgments and Orders

UNDT/2015/022

UNDT/2015/023