

2016-UNAT-629, Prasad et al.

UNAT Held or UNDT Pronouncements

UNAT held 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 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

Prasad et al.

Entity

UNFPA

Case Number(s)

2015-749

2015-750

2015-751

2015-752

2015-753

2015-754

2015-755

2015-756

2015-757

2015-758

2015-759

2015-760

2015-761

2015-762

2015-763

2015-764

2015-765

2015-766

2015-767
2015-768
2015-769
2015-819
2015-820
2015-821
2015-827
2015-828
2015-831

Tribunal

UNAT

Registry

New York

Date of Judgement

24 Mar 2016

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/2015/026](#)

[UNDT/2015/023](#)