

2016-UNAT-656, Maher

UNAT Held or UNDT Pronouncements

UNAT agreed that Article 24(a) UNJSPF Regulations does not provide a right to restore prior contributory service to participants who, on or after 1 April 2007, had elected to receive a deferred retirement benefit. UNAT held that the Appellant fell into this category. The appeal was dismissed, and the decision of the Standing Committee was affirmed.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Secretary of the World Health Organisation Staff Pension Committee (WHO Staff Pension Committee) to reject his request for the restoration of his prior contributory service with the Fund under Article 24(a) of UNJSPF Regulations. The UNJSPF Standing Committee upheld the decision of the WHO Staff Pension Committee, finding that the Applicant had elected to receive a deferred retirement benefit after 1 April 2007.

Legal Principle(s)

Article 24(a) of the United Nations Joint Staff Pension Fund (UNJSPF Regulations) confers the right to restore prior contributory service only to participants who upon separation, on or after 1 April 2007, had elected to receive a withdrawal settlement, or, who before 1 April 2007 had elected under Article 30 of UNJSPF Regulations, or were deemed to have elected under Article 32 of UNJSPF Regulations, to receive a deferred retirement benefit that was not yet in payment at the time of the election to restore.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered

Full judgment

[Full judgment](#)

Applicants/Appellants

Maher

Entity

WHO

Case Number(s)

2015-866

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Jun 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

United Nations Joint Staff Pension Fund (UNJSPF)

Prior contributory service/restoration of

Applicable Law

GA Resolutions

- A/RES/61/240
- A/RES/63/252

UNJSPF Regulations

- Article 24(a)