

2021-UNAT-1110, Bettighofer et al, Andreeva et al

UNAT Held or UNDT Pronouncements

Appeals dismissed, UNDT Judgments upheld. The Tribunals do not have reviewability of ICSC decisions, they do have jurisdiction to review the Secretary-General's mechanical power in implementing such decisions on narrow grounds for legality. The ICSC decision to adjust the salary scale and post-adjustment allowance multiplier was not a reviewable decision. The Secretary-General's implementation of that decision was an administrative decision as it was not a general policy but had adverse individual impact per staff member via their payslips and was therefore receivable. While receivable the ICSC decision remained not reviewable for lack of jurisdiction to review; General Assembly actions. The Secretary-General's implementation of the salary scale adjustment was lawful.

Decision Contested or Judgment/Order Appealed

UNDT/2020/150, UNDT/2020/122, UNDT/2020/132; The impugned Judgments of the UNDT noted above were identical in substance. The Applicants challenged the implementation of a salary scale adjustment decided by the ICSC and implemented by the Secretary-General.

Legal Principle(s)

The decisions of the ICSC are not reviewable by the UNDT/UNAT as per the UNAT Statute, and General Assembly resolutions. The mechanical power of the Secretary-General in implementing ICSC decisions is reviewable on limited grounds for legality.

Outcome

Appeal dismissed on receivability

Outcome Extra Text

Appeals dismissed

Full judgment

[Full judgment](#)

Applicants/Appellants

Bettighofer et al, Andreeva et al

Entity

ICSC

Case Number(s)

2020-1474

2020-1449

Tribunal

UNAT

Registry

New York

Date of Judgement

19 Mar 2021

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Jurisdiction / receivability (UNAT)

Salary

Applicable Law

GA Resolutions

- A/RES/67/241
- A/RES/71/266
- A/RES/72/255
- A/RES/73/276
- A/RES/74/255A-B
- A/RES/75/248