# 2021-UNAT-1113, Aligula et al

#### **UNAT Held or UNDT Pronouncements**

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. UNAT dismissed the appeals and upheld the UNDT judgments.

#### Decision Contested or Judgment/Order Appealed

UNDT/2020/153; The impugned Judgment of the UNDT noted above was 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 UNDT/UNAT according to 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

Aligula et al

### **Entity**

ICSC

### Case Number(s)

2020-1471

#### **Tribunal**

**UNAT** 

### Registry

New York

### Date of Judgement

19 Mar 2021

### President Judge

Judge Knierim

### 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/69/204
- A/RES/71/266
- A/RES/72/255
- A/RES/73/276
- A/RES/74/255A-B
- A/RES/75/248