

UNDT/2024/085, Wachira

UNAT Held or UNDT Pronouncements

The Tribunal found that the Respondent had provided no rule or precedent based contextual explanation to support his position. The Tribunal, therefore, concluded that the Respondent had not provided any rational explanation for depriving the Applicant of the entitlements to increments afforded under GS Salary Scale 120b to those similarly circumstanced. Accordingly, the Tribunal:

- a. Decided to rescind the contested decision;
- b. Directed that the Applicant be recognised as having been in continuous service with the United Nations Secretariat from 3 May 1994 and, effective 22 February 2022, she was to be placed on the GS Salary Scale 120b applicable at the Paris duty station to staff on board prior to 1 January 2000 and awarded within step increment benefits on that basis;
- c. Directed the Respondent to pay arrear salaries to the Applicant arising from the above salary scale placement together with interest on the arrears at the US prime rate to compensate for the delay in the Applicant receiving salary payments; and
- d. Directed that any actuarial cost linked to the recalculation of the Applicant's contributions to the medical insurance or pension scheme arising from the retroactive calculation of her salary shall be borne by the Organization.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to apply to her the Salaries and Allowances Scale for General Service ("GS") Category applicable only to eligible staff on board prior to 1 January 2000 (GS Salary Scale 120b).

Legal Principle(s)

The qualifying criteria for the Long-Service Step mentioned in the current local salary scale for Paris and which must be fulfilled for staff members to be eligible to receive the long service step increment are:

- a. At least 20 years of service (continuous or cumulative) within the United Nations common system;
- b. 5 years at the top regular step of the current grade; and
- c. Satisfactory performance.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Wachira

Entity

UNEP

Case Number(s)

UNDT/GVA/2023/062

Tribunal

UNDT

Registry

Geneva

Date of Judgement

28 Oct 2024

Duty Judge

Judge Honeywell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Applicable Law

Staff Regulations

- Annex I

Staff Rules

- Rule 3.1

Related Judgments and Orders

2010-UNAT-084

2014-UNAT-418

UNDT/2009/030

2019-UNAT-975

2012-UNAT-235

2016-UNAT-705