



THE UNITED NATIONS APPEALS TRIBUNAL

1. The United Nations Appeals Tribunal has before it an appeal of Judgment No. UNAT/2015/500 (rendered by the United Nations Appeals Tribunal on 22 March 2015) and the appeal filed on 10 September 2015.

Background, re

2. Mr. Bharati is a general service staff member of the United Nations for the period 1994 and the recruitment of 1 October 1994: India.

3. In June 2013 a Commission of Enquiry was conducted in New Delhi, India. The results of the survey were published in the report of Human Resources Management Commission on its website (as reflected in its report dated 1 September 2010).

SUBJECT: NE. DELHI (INDIA) LOCAL SALARIES

(AAA) COLLO. IN THE (O&PRE) ENGLISH SALARY SURVEY (CONDUCTED IN NE. DELHI IN JUNE 2013) IS TO ADJUST THE RESULTS OF THE SURVEY IN THE LOCAL SALARIES FOR ALL RECRUITED STAFF ARE ABOVE THE LABOUR MARKET. (O&PRE) THE RETENTION PAY (4% OF THE RETAINED COMPENSATORS BY 23.5 PER CENT OR GENERAL SERVICE (SS) (ATE OR) AND 26.5 PER CENT OR NATIONAL OVERSEAS (NNOO) (ATE OR). A (ORDINARY) COLLO. IN SALARY SCALES ARE ISSUED-

(2) S 90 AND NO 00\* BOT) ETHE (TI/E 2 JUNE 2013) PAYABLE ONLY TO STAFF RECRUITED ON OR AFTER ONE NOVEMBER 2015. REISED NET SALARIES RELATIVE TO DO. N. ADJUSTMENT OF (-) 23.5 PER CENT OR SS

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June 2013<sup>1</sup>; in June 2014 (the UNAT rendered its Judgment No. UNAT/2014/500) dismissing the applicant's appeal as not receivable *ratione materiae*. In so doing, the UNAT relied on the Appeals Tribunal Judgment in *Tintukasiri et al.* in which the Appeals Tribunal held that the decision to freeze the existing salaries (and to refuse to award allowances) is not an administrative decision for the purpose of judicial review under Article 23(4) of the UNAT Statute.

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&r. Bharati's Appeal

6. The UNAT failed to find that despite its general application, the contested decision

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essential cases (an applicant may submit a written request to the Appeals Tribunal seeking suspension (waiver or extension) of the time limits).

16. That occurred before the Appeals Tribunal is not contested: the staff member submitted a written request for an extension of time to file an application. The Appeals Tribunal did not address the staff member's request for an extension of time. The Appeals Tribunal converted sua sponte the request for an extension of time into an incomplete application and the Appeals Tribunal summarily adjudged the application as not receivable.

17. As the language of the statute's scheme shows (a request for an extension of time to file an application is not the same document as an application). The request for an extension of time was made so that the staff member could obtain information needed to prepare an application. In other words (the staff member was not read to submit an application without obtaining additional information to support it. ; therefore (this does





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Judgment No. 2016-UNAT-633