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Case No. UNDT/2014/112, 123, 125,
131, 134, 146, 148, 155, 162,
163, 167, 168, 170, 171, 172
UNDT/2014/176 to 179
UNDT/2014/181, 184, 189,
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UNDT/2014/197 to 199
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UNDT/2015/001, 006
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UNDT/2015/030 to 038
UNDT/2015/041 to 072
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UNDT/2015/089 to 094
UNDT/2015/097, 098, 099,
and 100

Judgment No. UNDT/2015/026

Introduction

1. Each of the Applicants, General staff members of the United Nations Children's Fund ("UNICEF"), India, in the service of the Organization from a date prior to 1 November 2014, filed a motion for extension of time to file an application against "the decision of [United Nations Office of Human Resources Management, International Civil Service Commission] ("UN/OHRM/ICSC")]

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Facts

4. A Comprehensive Local Salary Survey was conducted in New Delhi in June 2013, and the results of the survey were promulgated by OHRM on its website, as reflected in its cable dated 1 October 2014, in the following terms:

Subject: New Delhi (India) local salaries

(AAA) following the comprehensive salary survey conducted in New Delhi in June 2013, this is to advise you that the results of the survey indicate that salaries for locally recruited staff are above the labour market when compared with the remuneration package of the retained comparators by 13.4 per cent for general service (GGSS) category and 19.4 per cent for national officer category. accordingly, the following salary scales are issued:

- (1)** GS 62 and no 22, both effective 1 June 2013, payable only to staff recruited on or after one November 2014. revised net salaries reflect downward adjustment of (-) 13.4 per cent for GGSS and (-) 19.4 per cent for NNOO.
- (2)** amend. one to GS 61 and no 21, effective 1 July 2012, payable to eligible staff already on board prior to one November 2014, the amendments are issued to reflect revised allowances.

(BBB) revised allowances in rupees net per annum are as follows:

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(1) child, per child, subject to maximum of six children

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Consideration

6. As a preliminary matter, since the present individual applications concern identical decisions, rely on common facts and raise the same questions of fact and law, and since all Applicants are staff members of UNICEF, India, the Tribunal considers it appropriate to adjudicate upon them jo

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20. The [OHRM] promulgated the salary survey results on its website on 6 February 2012, indicating that the salary scale applicable to staff already on board would be frozen "until the gap is closed", whereas secondary salary scales would be applied to staff recruited on or after 1 March 2012.

11. Judgment *u a a* was appealed, and this Tribunal decided to suspend its proceedings in the present case until the outcome of said appeal was known.

12. On 26 February 2015, the Appeals Tribunal, in its public announcement of the outcome of its 2015 spring session, dismissed the appeal and upheld the above referenced Dispute Tribunal Judgement.

13. It follows from the public announcement that the receivability findings of Judgment *u a a* UNDT/2014/026 were confirmed without reservation by the Appeals Tribunal (Case No. 2015-UNAT-526). Considering that the Dispute Tribunal should "recognize, respect and abide by the Appeals Tribunal's jurisprudence" (*do* 2014-UNAT-410), it cannot but reiterate that the decision to freeze the existing salary scales and to review downward allowances did not constitute an administrative decision for the purpose of art. 2.1(a) of it,H24'40"cftz2c1t,H24

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