

UNITED NATIONS DISPUTE TRIBUNAL

Introduction

1. Each of the Applicants, General staff members of United Nations Entity for Gender Equality and the Empowerment of Women (“UN Women”), 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

Case No. UNDT/GVA/2014/092, 094,
096, 099 and 127

Judgment No. UNDT/2015/028

b. 17,052 applicable to staff members for whom the allowance becomes payable prior to one November 2014.

5. In the applications, it is stressed that the salary freeze is causing the Applicants grave prejudice and that to allow the Applicants to challenge the survey and the results thereof, the list of comparators interviewed and retained during the 2013 salary survey should be shared with the Applicants.

Consideration

8. The Tribunal notes that the Appeals Tribunal recently recalled the definition of an administrative decision in its judgement *A u* 2013-UNAT-304, by quoting the definition developed by the former Administrative Tribunal of the United Nations in Judgement *A o o* No. 1157 (2003), namely that:

[i]t is acceptable by all administrative law systems, that an “administrative decision” is a unilateral decision taken by the administration in a precise individual case (individual administrative act), which produces direct legal consequences to the legal order. Thus, the administrative decision is distinguished from other administrative acts, such as those having regulatory power (which are usually referred to as rules or regulations), as well as from those not having direct legal consequences. Administrative decisions are therefore characterized by the fact that they are taken by the Administration, they are unilateral and of individual application, and they carry direct legal consequences.

9. The Tribunal further recalls its recent Judgment *u* UNDT/2014/026, in which it held with respect to the decision to freeze salary scales that:

[the] decision is of a general order, in that it concerns all eligible General Service staff and National Officers in Bangkok on board prior to 1 March 2012. As such, the circle of persons to whom the

17. The 2011 Comprehensive Local Salary Survey was conducted from June to December 2011.

18. On 10 January 2012, an [Local Salary Survey Committee ("LSSC")] meeting was held, to consider and sign the LSSC report prepared by the salary survey specialists, by 11 January 2013, for presentation to the Headquarters Salary Steering Committee. The results of the survey indicated that United Nations salaries for the General Service and National Officer categories were higher than those of the retained comparators, by 27.2% and 41.4% respectively.

19. On 13 January 2012, the findings of the salary survey specialists were presented to the Headquarters Salary Steering Committee, which unanimously approved the survey results and recommended freezing of salaries for staff members already on board and the implementation of secondary salary scales for staff member recruited after 1 March 2012.

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* 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 re

14. The above is a matter of law, which may be adjudicated even without serving the application to the Respondent for reply, and even if it was not raised by the parties (see 2013-UNAT-313, 2013-UNAT-335).

15. Therefore, the Tribunal decides on the present applications by way of summary judgement, in accordance with art. 9 of its