

---

UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/062

Judgment No.: UNDT/2019/027

Date: 21 February 2019

Original: English

---

**Before:** Judge Ebrahim-Carstens

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

SOYER

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS



old (Group 1); staff member with a non-dependent spouse and dependent children (Group 2); and staff members with a dependent spouse (Group 3).

5. On 29 June 2018, the Appeals Tribunals issued its judgments in *Lloret Alcañiz et al.* 2018-UNAT-840 and *Quijano-Evans et al.* 2018-UNAT-841.

6. By Order No. 25 (NY/2019) dated 1 February 2019, the Tribunal instructed (a) the parties to file a submission addressing the implications, if any, of the Appeals Tribunal judgments in *Lloret Alcañiz et al.* and *Quijano-Evans et al.* and (b) in particular, if the Applicant wished to withdraw his claims, he should state this in clear and unequivocal terms.

7.

he stated that he  
Dispute Tribunal

8. On 15 February 2019, the Respondent filed a submission in which, *inter alia*, he stated that,

On 29 June 2018, the Appeals Tribunal issued its judgment in the case of *Lloret Alcañiz et al.* [reference to footnote omitted]. In that case, the affected staff members challenged the payment of their salary and related allowances according to the unified salary scale and the transitional allowance approved by the General Assembly. The Appeals Tribunal held that it was lawful for the Secretary-General to introduce a new unified salary scale. The Appeals Tribunal also held that any challenge to introduction of the transitional allowance was not receivable.

The Applications raise identical arguments to those already examined and rejected by the Appeal Tribunal. The Dispute Tribunal  
*Lloret Alcañiz et al.*  
and should dismiss the Applications.

### **Consideration**

9. The desirability of finality of disputes within the workplace cannot be gainsaid (see *Hashimi* Order No. 93 (NY/2011) and *Goodwin* UNDT/2011/104).

10. In the instant case, the Applicant filed a submission stating that he  
  
to the present case.

11. The Applicant's clear and unequivocal withdrawal of all of his allegations and claims signifies a final and binding resolution with regard to the rights and liabilities of the parties in all respects in his case, requiring no pronouncement on the merits but concluding the current matter before the Tribunal. As the Applicant has withdrawn the application and decided to end the pending litigation, there is no matter remaining for adjudication by the Dispute Tribunal.

February 2019 to the effect that the application should be dismissed on its merits, in essence requesting that the Tribunal proceed to a determination of the matter despite

### **Conclusion**

12. As the Applicant has withdrawn all his allegations and claims, there being no matter for adjudication by the Dispute Tribunal, Case No. UNDT/NY/2017/062 is hereby closed.

*(Signed)*

Judge Ebrahim-Carstens

Dated this 21<sup>st</sup> day of February 2019

Entered in the Register on this 21<sup>st</sup> day of February 2019

*(Signed)*

Nerea Suero Fontecha, Registrar, New York