UNITED N

Introduction

- 1. The T+i4!#al is sei;ed of 8& a::licatio#s +elated to a challe#ge agai#st the +es!It of the co":+ehe#si,e sala+* scale s!+,e* fo+ local staff i# I#dia5 co#d!cted i# !#e %&1(. The a::licatio#s i#,ol,e the U#ited Natio#s Sec+eta+iat5 the Office of the U#ited Natio#s 3 igh Co" "issio#e+ fo+ Ref!gees5 the U#ited Natio#s E#tit* fo+ -e#de+ E<!alit* a#d the E":o8e+"e#t fo+ 7 o"e#5 a#d th+ee U#ited Natio#s 2!#ds a#d P+og+a" "es =the U#ited Natio#s De,elo: "e#t P+og+a"5 the U#ited Natio#s Po:!latio# 2!#d =>UN2PA?@ a#d the U#ited Natio#s Child+e#As 2!#d@.
- %. This 9!dg "e#t co#ce+#s %& a::licatio#s +elated to %& A::lica#ts 4ased i# Ne8 Delhi 8o+Bi#g fo+ UN2PA.

acts

- (. The %&1 (Co":+ehe#si,e Sala+* Scale S!+,e* fo+ local staff 4ased i# I#dia =>%&1 (I#dia Sala+* S!+,e*?@ 8as co#d!cted:!+s!a#t to the "ethodolog* ado:ted 4* the I#te+#atio#al Ci,il Se+,ice Co""issio# =>ICSC?@ =see ICSC\$C%\$R.115 Re,ie 8 of the "ethodolog* fo+ s!+,e*s of the 4est:+e,aili#g co#ditio#s of e":lo*"e#t at d!t* statio#s othe+ tha# head<!a+te+s a#d si"ila+ d!t* statio#s 1 s!+,e* "ethodolog* II@ a#d the) a#!al fo+ the co#d!ct of s!+,e*s of the 4est:+e,aili#g co#ditio#s of e":lo*"e#t at d!t* statio#s othe+ tha# 3 ead<!a+te+s a#d si"ila+ d!t* statio#s D "ethodolog* II.
- E. As :e+ the a4o,e "ethodolog* a#d a+t. II of the)e"o+a#d!" of U#de+sta#di#g =>) OU?@ 4et8ee# the U#ited Natio#s a#d the 7 o+ld 3 ealth O+ga#i;atio# => 7 3 O?@ fo+ %&1%1%&1 (5 7 3 O 8 as desig#ated to co#ti#!e to act as +es:o#si4le age#c* fo+ the coo+di#atio# of the local sala+* scale s!+,e* i# Ne8 Delhi5 I#dia. The+efo+e5 7 3 O had the o,e+all +es:o#si4ilit* fo+ the s!+,e*5 i#cl!di#g the a::oi#t"e#t of the sala+* s!+,e* s:ecialists.

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 - 4. %C51FG a::lica4le to staff "e"4e+s fo+ 8ho" the allo 8 a#ce 4eco "es :a*a4le :+io+ to o#e No,e"4e+ %&1EL

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!rocedural "istory

1&. The A::lica#ts filed i#di,id!al "otio#s fo+ eKte#sio# of ti"e to file a::licatio#s 4efo+e the Dis:!te T+i4!#al to challe#ge the +es!It of the %&1 (I#dia $Sala+*hS_7!P_0*i8^97P_0*i9^5P_$

eKisti#g sala+* scales a#d to +e,ie 8 allo 8a#ces do 8#8a+d did #ot co#stit!te a# ad " i#ist+ati, e decisio# fo+ the :!+:ose of a+t. %.1=a@ of the T+i4!#alAs Stat!te. O!t of the (1 A::lica#ts i#,ol,ed5 %G a::ealed 4efo+e the U#ited Natio#s A::eals T+i4!#al.

1%. B* !dg " e#t Prasad et al. %&1G1UNAT1G% '5 the A::eals T+i4!#al fo!#d that this T+i4!#al had >eKceeded its co " :ete#ce a#d 9!+isdictio# a#d co " " itted e++o+s i# :+oced!+e 8 he# it dete+ " i#ed that the +e<!ests fo+ a# eKte#sio# of ti " e 8 e+e the >e<!i,ale#t? of a::licatio#s?. The A::eals T+i4!#al the+efo+e +e,e+sed the UNDT !dg " e#t a#d +e " a#ded all %G cases to this T+i4!#al5 8 ith di+ectio#s to :e+ " it the A::lica#ts to file thei+ a::licatio#s. The A::eals T+i4!#al also +e " a#ded a#othe+ C% si " ila+ cases to the Dis:!te T+i4!#al.*

1G. I# a#tici:atio# of the co ":leKit* of the iss!es to 4e add+essed5 a#d 4ea+i#g i# "i#d that all a::lica#ts 8 hose cases had 4ee# +e "a#ded 8e+e self1+e:+ese#ted5 the T+i4!#al i#st+!cted its -e#e,a Regist+* to co#tact the Office of Staff Legal Assista#ce =>OSLA?@ a#d +e<!est that it +each o!t to all a::lica#ts to assess 8 hethe+ it co!ld:+o,ide legal +e:+ese#tatio# i# the:+oceedi#gs. OSLA co#fi+ "ed that it 8o!ld taBe #ecessa+* actio# i# this +es:ect.

1C. B* O+de+ No. 11E = - / A\$%&1C0 of 1C) a* %&1C5 the T+i4!#al5 inter alia5

Cases No.

See attached list

B. The Res: o#de#tAs co#te#tio# that the A:: lica#ts o!ght to ha, e challe#ged the "o#thI* sala+*: a*sli:s "!st 4e dis" issed5 inter alia5 si#ce the* do #ot co#tai# o+ e, e# eK: licitI* +efe+ to the i ":!g#ed decisio# O 8 hat is challe#ged i# this case is the sala+* f+ee; e5 #ot the a "o!#t of +e"!#e+atio#L

- c. The A::eals T+i4!#al has held that a4se#t >a dete+"i#atio# 4* the Sec+eta+*1 e#e+al that a s:ecific decisio#1" aBi#g 4od* is a tech#ical 4od*5 the eKe":tio# f+o" M a "a#age" e#t e,al!atio# +e<!est !#de+ HsItaff H+I!le 11.%=4@ does #ot a::I*? =see Faust %&1GIUNATIG'F =:a+a. ('@ a#d %ehr %&1EIUNATIEC' =:a+as. %FI%G@L
- d. The A::lica#ts ca##ot +easo#a4l* +el*!:o# the <!oted:ositio# of the UN Sec+eta+iatAs) a#age "e#t E,al!atio# U#it =>UN) EU?05 i# Tintukasiri et al. i# s!::o+t of thei+ #ot +e<!esti#g "a#age "e#t e,al!atio#. 2i+st5 the UN) EU has a disc+ete delegatio# of a!tho+it* f+o " the Sec+eta+*1 e#e+al5 8hich does #ot i#cl!de the desig#atio# of tech#ical 4odies. Additio#all*5 the UN) EUAs o:i#io#s a+e #ot 4i#di#g o# the se:a+atel* ad "i#iste+ed 2!#ds a#d P+og+a" "es a#d othe+ UN E#tities 8ho co#d!ct thei+ o8# "a#age "e#t e,al!atio#. Seco#d5 the Tintukasiri et al. !dg "e#t cites a#othe+ UNDT decisio# =

Consideration

%G. The iss!e of a# a::licatio#As +ecei,a4ilit* is a "atte+ of la8 that "a* 4e

(C. The case at ha#d is #ot of a disci:li#a+* #at!+e5 lea,i#g the T+i4!#al to assess 8 hethe+ the co#tested decisio#5 taBe# !:o# the ad,ice of the LSSC a#d Sala+* S!+,e* s:ecialists5 8 as taBe#!:o# the ad,ice of a tech#ical 4od*. Rele,a#tl*5 staff +!le 11.%=4@ does #ot :+o,ide fo+ a :a+tic!la+ 8a*5

E%.

F8. This A::lica#tAs a::licatio# is ide#tical to the o#es of those +e:+ese#ted 4* OSLA. I# the i#te+est of 9!stice5 OSLAAs a+g! " e#ts co#ce+#i#g +ecei, a4ilit* of the a::licatio#s 8 e+e co#side+ed 8 ith +es:ect to this self1+e:+ese#ted A::lica#t 8 ho did #ot a, ail hi " self of the o::o+t!#it* to eithe+ " aBe additio#al s!4" issio#s i# this +es:ect a#d\$o+ to a::ea+ 4efo+e the T+i4!#al at the C) D.

F'. I# closi#g5 the T+i4!#al 8 ishes to co " "e#d OSLA fo+ its effo+ts i# +eachi#g o!t to all self1+e:+ese#ted a::lica#ts to :+o:ose its se+,ices5 th!s assisti#g i# allo 8 i#g to as "a#* of the ":+o:e+ legal +e:+ese#tatio# i# co##ectio# 8 ith co ":leK legal iss!es.

Conclusion

G&. I# ,ie 8 of the fo+egoi#g5 the T+i4!#al DECIDES:

The a::licatio#s a+e +e9ected as #ot +ecei, a4le ratione materiae.

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E#te+ed i# the Registe+ o# this (&th da* of) a* %&1 ' =Si, ned@

Re#.). / a+gas).5 Regist+a+5 - e#e,a

Page 18 of 18