
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/071
Judgment No.: UNDT/2019/028
Date: 21 February 2019
Original: English

Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Nerea Suero Fontecha

MELLUISH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON WITHDRAWAL

Counsel for Applicant:

Daniel Trup, OSLA
Natalie Puchalka, OSLA

Counsel for Respondent:

Elizabeth Gall, AAS/ALD/OHR, UN Secretariat

Introduction

On 14 July 2017, the Applicant, a Chief/Senior Legal Officer at the P-5 level with the Office of Staff Legal Assistance, filed an application in which she contested the decision of the Administration to reduce [her] contracted salary and the manner of the implementation of the Unified . As a remedy, the Applicant requested that the administrative decision to reduce her salary be rescinded, and that she receive the outstanding backdated pay accordingly . As part of the application, the Applicant requested ring . This case forms part of a group of cases commonly referred to as the salary scale cases that were filed before the undersigned Judge.

2. On 16 August 2017, the Respondent filed the reply. He submitted that the application is not receivable and that, in any event, the impugned decision was lawful.

3. By Order No. 120 (NY/2018) dated 7 June 2018, the Tribunal instructed the parties to file a jointly signed submission by 12 June 2018 in which they were to inform the Tribunal of their views on whether reading all the salary scale cases before the undersigned Judge:

a. It would be beneficial to consolidate the proceedings of, at least some of, the present cases. If so, the parties are to outline and list the categories of cases that may appropriately be handled together;

b. If, as a matter of judicial economy, it would be appropriate to order a stay of proceedings in any of the possible categories of cases until the Appeals Tribunal has issued its judgment(s) in some similar cases that are currently pending before it.

4. On 12 June 2018, the parties filed a joint submission as per Order No. 120 (NY/2018), listing the salary scale cases into three categories of cases, namely: staff members with a non-dependent spouse and dependent children including a 21-year

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 her claims, she should state this in clear and unequivocal terms.

7.

she stated that she her allegations and claims before the

8. On 15 February 2019, the Respondent filed a submission in which, *inter alia*, he 612 792 re1hat

10. In the instant case, the Applicant filed a submission stating that she