



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2018-1200

**Choudhuri
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

Order No. 335 (2018)

1. On 24 March 2015, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued a Summary Judgment No. UNDT/2015/022 in respect of 29 individual applications filed by staff members of the United Nations Development Programme (UNDP) based in India, in which they challenged a local salary survey and the resulting salary freeze. The UNDT concluded that the 29 applications were not receivable *ratione materiae*. Ms. Mona Choudhuri was one of the 29 applicants.

2. 15 applicants including Ms. Choudhuri filed separate, but almost identical, appeals of the above-referenced summary judgment in a timeous manner. However, due to technical reasons, the Appeals Tribunal's eFiling portal (CCMS) recorded that Ms. Choudhuri uploaded her appeal files on 22 May 2015, but did not generate a temporary case. Neither did it send a notification to the Registry about Ms. Choudhuri's filing. As it was not aware of Ms. Choudhuri's appeal, the Appeals Tribunal operated under the assumption that only 14 of the 29 applicants had appealed Judgment No. UNDT/2015/022.¹

3. On 24 March 2016, the Appeals Tribunal rendered Judgment No. 2016-UNAT-628 in the cases of *Taneja et al. v. Secretary-General of the United Nations*, in which it reversed the UNDT Summary Judgment and remanded the matter to the UNDT with

¹ See Order No. 248/Corr.1 (2016).

directions to permit all 14 named Appellants (not including Ms. Choudhuri) to file their applications. The matter is currently under consideration by the Dispute Tribunal.

4. Upon query by Ms. Choudhuri and after an internal technical investigation had confirmed that she had filed a timeous appeal, the matter was brought to my attention during the 2018 Fall Session. I instructed, through the Registry, Ms. Choudhuri to file a motion for a waiver of time limit with leave to refile the appeal that she originally filed on 22 May 2015 in the CCMS, and I also instructed that Ms. Choudhuri's motion should be served on the Respondent for observations, if any.

5. On 9 November 2018, Ms. Choudhuri filed a motion for a waiver of time limit. In his Observations dated 16 November 2018, the Secretary-General stated that he did not object to Ms. Choudhuri's motion, with the understanding that the effect of his accepting Ms. Choudhuri's appeal, at this stage, would be limited to extending the remedy ordered by the Appeals Tribunal in Judgment No. 2016-UNAT-628 to Ms. Choudhuri, thereby allowing her case to be remanded to the UNDT together with the other appellants whose applications are pending consideration by the Dispute Tribunal.

IT IS HEREBY ORDERED that Ms. Choudhuri's motion **IS GRANTED**. The Registry is instructed to serve this Order on the Registry of the Dispute Tribunal so that it can add Ms. Choudhuri's name to the list of the appellants named in Judgment No. 2016-UNAT-628.

Original and Authoritative Version: English

Dated 23rd day of November 2018
in Cape Town, South Africa.

Entered in the Register on this 26th day of
November 2018 in New York, United States.

(Signed)
Judge John Murphy
President

(Signed)
Weicheng Lin, Registrar