

EIGHTY-FIRST SESSION

***In re* BAUDET and DECRESSAC**

Judgment 1511

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaints filed by Mr. Serge Baudet and Mr. Alain Decressac against the European Organization for Nuclear Research (CERN) on 1 June 1993 and corrected on 31 March 1995, CERN's replies of 19 July, the complainants' rejoinders of 8 December 1995 and the Organization's surrejoinders of 20 March 1996.

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written submissions and decided not to order hearings, which none of the parties has applied for;

Considering that the facts of the case and the pleadings may be summed up as follows:

A. Facts relevant to this case are set out under A in Judgment 1510 (in re Antoinet No. 2 and Cuenca-Pérez) also delivered this day.

The complainants are both senior firemen in CERN's Fire and Rescue Service.

By standard letters of 3 March 1993, which they impugn, the Director-General confirmed that he was putting them on career path III under the Organization's new career plan, known as the Merit-Oriented Advancement Scheme (MOAS).

B. The complainants rely on the same arguments summed up in the above-mentioned judgment, under B, which support the contention that firemen at CERN should be on path III. They say that because they are higher in rank they should be on path IV and that the decisions putting them on path III are unlawful.

They seek the quashing of the impugned decisions and awards of moral damages and costs.

C. In reply CERN relies on the reasoning summed up in the above-mentioned judgment under C. Since path II was the proper one for firemen, the complainants' rank, though higher, does not warrant putting them on path IV.

D. In rejoinder the complainants restate their pleas and make the same comments on moral injury as appear in the other judgment under D.

E. CERN presses its pleas in its surrejoinder.

CONSIDERATIONS:

1. The complainants are senior firemen in CERN's Fire and Rescue Service. They object to a decision to put them on career path III, their pleas being the same *mutatis mutandis* as those Mr. Antoinet and Mr. Cuenca-Pérez put forward in the case that forms the subject of Judgment 1510. They argue that since firemen should be on path III they, who rank higher, should be on path IV.

2. They claim the quashing of the impugned decision merely on the grounds that it is wrong to put the firemen on path II: they allege no other flaws in putting them on path III. Since the firemen fail for the reasons set out in Judgment 1510, the senior firemen too must lose their case.

DECISION:

For the above reasons,

The complaints are dismissed.

In witness of this judgment Sir William Douglas, President of the Tribunal, Mr. Michel Gentot, Vice-President, and Mr. Jean-François Egli, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 11 July 1996.

(Signed)

William Douglas
Michel Gentot
Egli
A.B. Gardner

Updated by PFR. Approved by CC. Last update: 7 July 2000.