

NINETY-FIFTH SESSION

(Application for review)

Judgment No. 2265

The Administrative Tribunal,

Considering the second application for review of Judgment 1484, filed by Mr P. T.-C. on 5 November 2002 and corrected on 13 November 2002;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. By Judgment 1484, the Tribunal set aside a decision of the Director-General of the World Health Organization (WHO) of 17 May 1994 confirming a decision of 30 August 1993 to end the complainant's appointment at 31 December 1993 and to relieve him summarily of duty. The Tribunal ordered the Organization to pay the complainant damages equal to the salary that he would have earned had his appointment been maintained until the end of his contract, that is to say until 31 March 1994, as well as 2,500 Swiss francs in costs.

By Judgment 2166, the Tribunal dismissed an initial application for review of Judgment 1484, in which the complainant maintained that his contract had in fact ended on 31 March 1994, claimed a further award of damages and disputed the amount of costs he had been awarded.

2. The complainant has now submitted a second application for review of Judgment 1484, in which he claims 250,000 euros for loss of salary, 20,000 euros to offset the "sale of his pension rights", 25,000 euros to compensate for "the loss of his pension contributions" since 31 March 1994, a "symbolic franc" because his reputation has been slighted and 40,000 euros to pay for training. He submits that in fact he was dismissed not for unsatisfactory performance in his work but for unacceptable financial reasons and that the dismissal procedure was conducted arbitrarily rather than transparently according to the rules. He produces various documents and calls for several witnesses to be heard.

To the extent that they are comprehensible, the complainant's arguments do not amount to admissible grounds for review of Judgment 1484. In that judgment, the Tribunal considered that the complainant's contract had been wrongfully terminated and that he was entitled to an amount equivalent to the pay he would have received had his appointment duly expired at 31 March 1994. It pointed out that the complainant certainly had no reason to expect any further extension of his appointment. The Organization cannot be held responsible for the fact that he was out of work after 31 March 1994. Thus, the complainant's contention that the termination of his contract was motivated by the WHO's desire to save money rather than by his own unsatisfactory performance is irrelevant. Given that the termination has been held to be unlawful, the plea submitted is not such as to justify a higher award of damages. Nor is it necessary to ascertain whether the facts adduced are new, since they could not in any case provide sufficient grounds for review of Judgment 1484.

The evidence put forward by the complainant cannot therefore be taken into consideration and the application for review must be dismissed in accordance with the summary procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The application is dismissed.

In witness of this judgment, adopted on 21 May 2003, Mr Michel Gentot, President of the Tribunal, Mr Jean-François Egli, Judge, and Mr Seydou Ba, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 16 July 2003.

(Signed)

Michel Gentot

Jean-François Egli

Seydou Ba

Catherine Comtet