

110th Session

Judgment No. 2987

THE ADMINISTRATIVE TRIBUNAL,

Considering the third complaint filed by Mr J. R. D. against the World Health Organization (WHO) on 19 June 2009, which is an application for review of Judgment 2786;

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

Having examined the written submissions;

CONSIDERATIONS

1. The complainant applies for review of the Tribunal's Judgment 2786 delivered on 4 February 2009. He claims that, since the last two extensions of his contract prior to his separation from service were for five years, based on past practice he would have obtained another five-year extension from 1 July 2003 to 30 June 2008. He submits that the Tribunal failed to take this into account in its award of material damages and seeks compensation for the injury resulting from not having been reinstated for the five years.

2. He also submits that the Tribunal did not give a reason for its finding that reinstatement would not be practical in the circumstances. In view of the fact that he was not found guilty of any misconduct and considering his advanced age, the complainant asks the Tribunal, on humanitarian grounds, to reconsider its decision not to reinstate him.

3. Lastly, the complainant claims that in awarding costs the Tribunal failed to take into account the fact that he incurred significant legal and other costs in the course of a lengthy and complex litigation. He maintains that the amount of the award is not in keeping with the Tribunal's normal scale of costs for this type of proceedings.

4. It is well established that the Tribunal's judgments may be reviewed only in exceptional circumstances and on the grounds of "failure to take account of particular facts, a mistaken finding of fact that involves no exercise of judgment, omission to rule on a claim and the discovery of some new facts which the complainant was unable to invoke in time in the [earlier] proceedings" (see Judgment 1952, under 3).

5. Although the complainant frames his request for review in terms of a failure to take into account certain facts, he refers to no facts that were overlooked by the Tribunal. In effect, the request is based on his disagreement with the outcome. It follows that the application 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 5 November 2010, Ms Mary G. Gaudron, President of the Tribunal, Mr Seydou Ba, Vice-President,

and Ms Dolores M. Hansen, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 2 February 2011.

Mary G. Gaudron
Seydou Ba
Dolores M. Hansen
Catherine Comtet