

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

118th Session

Judgment No. 3393

THE ADMINISTRATIVE TRIBUNAL,

Considering the third complaint filed by Mr S. N. against the World Health Organization (WHO) on 19 October 2012;

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

Having examined the written submissions;

CONSIDERATIONS

1. Article VII, paragraph 2, of the Statute of the Tribunal provides that, to be receivable, a complaint must have been filed within ninety days of the complainant being notified of the decision impugned. This time limit is an objective matter of fact and the Tribunal will not entertain a complaint filed after it has expired. Any other conclusion, even if founded on considerations of equity, would impair the necessary stability of the parties' legal relations, which is the very justification for the time bar.

2. The complaint filed at the Registry of the Tribunal on 19 October 2012 seeks the setting aside of the decision dated 18 April 2012. The complainant states that he received that decision on

20 July 2012. However, he did not file a complaint with the Tribunal until 19 October 2012, that is to say 91 days later. He did not therefore comply with the time limit established by Article VII, paragraph 2, of the Statute of the Tribunal. His complaint is thus out of time and, for that reason, manifestly irreceivable.

3. It follows that the Tribunal cannot but dismiss the complaint in accordance with the summary procedure provided for in Article 7 of its Rules.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 1 May 2014, Mr Claude Rouiller, Vice-President of the Tribunal, Mr Seydou Ba, Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 9 July 2014.

CLAUDE ROUILLER
SEYDOU BA
PATRICK FRYDMAN
DRAŽEN PETROVIĆ