

A. (No. 67)

v.

EPO

120th Session

Judgment No. 3555

THE ADMINISTRATIVE TRIBUNAL,

Considering the sixty-seventh complaint filed by Mr P. A. against the European Patent Organisation (EPO) on 5 June 2014;

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. The complainant filed this complaint on 5 June 2014 indicating in the complaint form that he challenges the implicit rejection of his internal appeal of 19 October 2013.

2. Article VII, paragraph 3, of the Tribunal's Statute provides as follows:

“Where the Administration fails to take a decision upon any claim of an official within sixty days from the notification of the claim to it, the person concerned may have recourse to the Tribunal and his complaint shall be receivable in the same manner as a complaint against a final decision. The period of ninety days provided for by the last preceding paragraph shall run from the expiration of the sixty days allowed for the taking of the decision by the Administration.”

3. It is obvious that the period of 150 days from 19 October 2013 expired long before 5 June 2014. Consequently, the Tribunal finds that the complaint is clearly irreceivable and must therefore be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 22 May 2015, Mr Giuseppe Barbagallo, President of the Tribunal, Ms Dolores M. Hansen, Judge, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 30 June 2015.

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

HUGH A. RAWLINS

DRAŽEN PETROVIĆ