

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

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

P.
v.
UNESCO

123rd Session

Judgment No. 3800

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr L. J. P. against the United Nations Educational, Cultural and Scientific Organization (UNESCO) on 23 December 2015 and corrected on 18 March 2016;

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. In his complaint before the Tribunal, the complainant impugns a decision of 18 September 2015 which, he says, he received on 20 September 2015.

2. Article VII, paragraph 2, of the Statute of the Tribunal provides that “[t]o be receivable, a complaint must [...] have been filed within ninety days after the complainant was notified of the decision impugned”. This ninety-day period begins to run on the day following the date of notification of the impugned decision. Where the ninetieth day falls on a public holiday, the period is extended until the next business day (see Judgments 2250, under 8, and 3630, under 3).

3. In the instant case, the ninety-day period laid down in Article VII, paragraph 2, of the Statute expired on 19 December 2015, which was a Saturday. Since the complaint was filed on 23 December 2015, it is time-barred and hence clearly irreceivable. It will 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 10 November 2016, Mr Claude Rouiller, President of the Tribunal, Mr Patrick Frydman, Judge, and Ms Fatoumata Diakité, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 8 February 2017.

(Signed)

CLAUDE ROUILLER PATRICK FRYDMAN FATOUMATA DIAKITÉ

DRAŽEN PETROVIĆ