

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

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

P.

v.

ITER Organization

129th Session

Judgment No. 4272

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr J. P. P. against the ITER International Fusion Energy Organization (ITER Organization) on 17 October 2019 and corrected on 7 November 2019;

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 a complaint impugning the decision of 17 July 2019 whereby the Director-General of the ITER Organization dismissed him, a decision which could be appealed directly before the Tribunal under Article 23.3 of the Staff Regulations.

2. The complainant indicates on the complaint form and in his brief that he received the abovementioned decision on 18 July 2019. He filed his complaint with the Tribunal on 17 October 2019.

3. 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”.

4. In this case, the ninety-day period provided for in Article VII, paragraph 2, of the Statute ended on Wednesday, 16 October 2019. Accordingly, the complaint filed on 17 October 2019 is time-barred. Being clearly irreceivable, it 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 13 November 2019, Mr Patrick Frydman, President of the Tribunal, Ms Fatoumata Diakité, Judge, and Mr Yves Kreins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 10 February 2020.

(Signed)

PATRICK FRYDMAN

FATOUMATA DIAKITÉ

YVES KREINS

DRAŽEN PETROVIĆ