

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

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

**K. (Nos. 1 and 2)**

**v.**

**ITU**

(Applications for interpretation)

**138th Session**

**Judgment No. 4907**

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for interpretation of Judgment 4568 filed by Mr E. K. on 4 January 2023;

Considering the application for interpretation of Judgment 4584 filed by the complainant on 6 March 2023;

Considering the application for interpretation of Judgment 4569 filed by the complainant on 30 March 2023;

Considering Articles II, paragraph 5, and VI, paragraph 1, of the Statute of the Tribunal and Articles 6, paragraph 5, and 7 of its Rules;

Having examined the written submissions;

**CONSIDERATIONS**

1. The complainant, a former staff member of the International Telecommunication Union (ITU), has filed applications for interpretation of Judgments 4568 and 4569, delivered in public on 6 July 2022, and 4584, delivered in public on 1 February 2023. In Judgments 4568 and 4569, the Tribunal dismissed respectively a previous application for interpretation and an application for review filed by the complainant in respect of Judgment 4440. The latter judgment was rendered on his application for review of Judgment 4370 concerning his first complaint, in which he challenged the

organization's decision to subject him to mandatory retirement as from 31 July 2017. In Judgment 4584, the Tribunal dismissed his second complaint, in which he sought the cancellation of the recruitment procedure to fill the post that he had held until he retired.

2. The complainant has requested the recusal, in all cases concerning him, of the judge presiding over the panel charged with hearing and determining these applications. However, for the same reasons as set forth in Judgment 4584, consideration 2, the Tribunal finds that this claim should be dismissed.

3. The three above-mentioned applications for interpretation concern related cases and rest on similar arguments. Accordingly, they will be joined to form the subject of a single judgment.

4. According to the Tribunal's settled case law – which, contrary to what the complainant submits in his application for interpretation of Judgment 4568, was not reversed in Judgment 3271, to which he refers – and as was recalled in Judgment 4568, consideration 3, an application for interpretation is receivable only if the meaning of the judgment concerned is uncertain or ambiguous to such an extent that the judgment cannot be executed (see, for example, Judgments 4409, consideration 6, 3984, consideration 10, 3822, consideration 5, and 3014, consideration 3). Moreover, under Article 6, paragraph 5, of the Tribunal's Rules, such an application can ordinarily concern only the decision contained in a judgment, and not the grounds thereof. Indeed, it can concern the grounds of the judgment as well only if the decision refers to them explicitly so that they are indirectly incorporated in the decision (see aforementioned Judgments 4409, consideration 6, 3984, consideration 10, 3822, consideration 5, and also Judgments 3564, consideration 1, 3271, consideration 4, and 2483, consideration 3). The Tribunal notes that these requirements are set out at the beginning of the form used to file an application for interpretation.

5. In this case, the decisions in Judgments 4568, 4569 and 4584 are respectively worded as follows: “[t]he application for interpretation is dismissed”, “[t]he application for review is dismissed” and “[t]he complaint is dismissed”. Contrary to the complainant’s submissions, their meaning is not at all ambiguous or uncertain and therefore does not require interpretation by the Tribunal. The complainant’s arguments in support of his applications, which are in reality directed against the grounds of these judgments, are irrelevant and must be rejected.

6. It follows from the foregoing that the applications for interpretation filed by the complainant are 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 applications for interpretation are dismissed.

In witness of this judgment, adopted on 24 May 2024, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, Mirka Dreger, Registrar.

Delivered on 8 July 2024 by video recording posted on the Tribunal’s Internet page.

*(Signed)*

PATRICK FRYDMAN    JACQUES JAUMOTTE    CLÉMENT GASCON

MIRKA DREGER