

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

FIFTY-SEVENTH ORDINARY SESSION

In re NESIC (No. 2)

Judgment No. 709

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr. Cedomir Nestic on 20 August 1985 and inviting the Tribunal to forward to the General Conference of the International Labour Organisation his extraordinary application for review of Judgment 661;

Considering the additional brief filed by the complainant on 21 October 1985;

Considering Article 11, paragraph 1, of the Statute of the Tribunal and Article 8, paragraph 3, of the Rules of Court;

Having examined the written evidence;

CONSIDERATIONS:

1. On 25 September 1984 the complainant filed a complaint with the Tribunal asking: (1) that his claims be submitted to the competent authority, viz. the General Conference of the International Labour Organisation; (2) that the election of the Director-General be set aside and a new election held; and (3) that he be awarded damages for wrongful rejection of his candidacy for Director-General and the failure to hear his claims.

In Judgment 661 of 19 June 1985 the Tribunal dismissed the complaint as irreceivable on the grounds that the complainant had ceased to be employed by the Organisation on 31 December 1970 and he was not alleging any right arising under his former appointment.

2. The complainant has filed with the Tribunal an extraordinary application for review of the judgment. He invites the Tribunal to forward it to the Conference, the body he alleges to be competent.

The Tribunal will not do so. If the complainant wishes to submit an application to the General Conference, he must do so himself. There is no text which confers on the Tribunal the intermediary function the complainant is asking it to perform. Besides, the fact that the rules allow no appeal to the Conference against its judgments further precludes its interfering in his dealings with that body.

DECISION:

For the above reasons,

The complaint is dismissed.

In witness of this judgment by Mr. André Grisel, President of the Tribunal, Mr. Jacques Ducoux, Vice-President, and the Right Honourable the Lord Devlin, Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 14 November 1985.

(Signed)

André Grisel

Jacques Ducoux

Devlin

