

**TWENTY-THIRD ORDINARY SESSION**

***In re* DHAWAN (No. 2)**

**Judgment No. 145**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the World Health Organization (WHO) drawn up by Mr. Madan Mohan Lal Dhawan, received by the Registrar of the Tribunal on 28 November 1969 and brought into conformity with the Rules of Court on 2 January 1970, and the Organization's reply of 3 February 1970;

Considering Article II, paragraph 5, and Article VII, paragraph 1, of the Statute of the Tribunal;

Having examined the documents in the dossier, the oral proceedings requested by complainant having been disallowed;

Considering that the material facts of the case are as follows:

A. On 5 March 1969, Mr. Dhawan, a member of the staff of the WHO Regional Office for South East Asia, addressed a request for leave to the Budget and Finance Officer of that office. His request was returned to him for routing through the appropriate channels. He thereupon sent his leave card a second time attaching a routing slip on which he had written the names of the secretary of his unit and of the administrative assistant, his immediate chief, with the words "for information", and opposite the name of the addressee, namely the Budget and Finance Officer, the words "for approval". On receiving the card the addressee wrote in the margin: "This kind of routing within the unit is childish". Mr. Dhawan protested at this remark, in particular in a letter to the Regional Director of 18 June 1969. In that letter he stated that the remark in the margin was unwarranted and insulting, demonstrated the Organization's malicious attitude towards him and gravely impaired his reputation. He asked for damages amounting to 75 million rupees (about US\$10 million). The head of personnel of the Regional Office, in his reply of 30 June 1969, regretted that complainant should have made such a frivolous request when the matter had been declared closed following a conversation between complainant and the persons mentioned on the routing slip. He issued a warning to complainant and stated that the letter of 30 June 1969 was to be taken as a written reprimand under Staff Rule 520(b). On 9 July 1969 complainant informed the secretary of the Regional Board of Appeal of the WHO of his intention to appeal to the Board against the refusal to award him the damages which he had asked for on 18 June 1969. On 23 July 1969 he requested for health reasons an extension of the time-limit for submission of his appeal. An extension was granted to 20 August 1969. By a letter of 21 August 1969 he asked for a further extension of one month. On 5 September 1969, on returning from leave, the President of the Regional Board of Appeal informed complainant that his complaint was time-barred and could no longer be submitted to the Board. Complainant protested unsuccessfully against this decision.

B. In his complaint to the Administrative Tribunal complainant prays the Tribunal to order the Organization to pay him compensation amounting to 75 million rupees as damages for the injury which he claims to have suffered as a result of the incident of 5 March 1969, the sum refused by the Organization on 30 June 1969. He also requests the summary dismissal of the author of the remarks written in the margin of his leave card and of the head of personnel and the Director of the WHO Regional Office for South East Asia.

C. The Organization maintains that the complaint is irreceivable as being time-barred and, subsidiarily, asks for dismissal of the complaint as being unfounded. It maintains that the incident of 5 March 1969 does not properly constitute a decision and that the complaint is frivolous and vexatious.

**CONSIDERATIONS:**

The sole basis of Mr. Dhawan's complaint is that on 5 March 1969 one of his superiors made a marginal note which complainant considers insulting on a routing slip attached to his leave card.

This marginal note does not constitute a decision and, since it was written on a purely internal document of the Regional Office, concerned Mr. Dhawan alone and was in no way made public, it was not of a nature to cause complainant any damage entitling him to any kind of compensation.

It follows that, without it being necessary to consider the Organization's rejection of the claim, Mr. Dhawan's complaint must in any event be dismissed as unfounded.

DECISION:

For the above reasons,

The complaint submitted by Mr. Dhawan is dismissed.

In witness of this judgment by Mr. Maxime Letourneur, President, Mr. André Grisel, Vice-President, and Mr. A.T. Markose, Deputy Judge, the aforementioned have hereunto subscribed their signatures, as well as myself, Bernard Spy, Registrar of the Tribunal.

Delivered in public sitting in Geneva on 26 May 1970.

(Signed)

M. Letourneur  
André Grisel  
A.T. Markose  
Bernard Spy