

SEVENTY-THIRD SESSION

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

(Application for interpretation)

Judgment 1173

THE ADMINISTRATIVE TRIBUNAL,

Considering the application filed by Mr. Frantz Marceau Louis on 16 December 1991 for interpretation of Judgment 1131, the reply of 28 January 1992 from the United Nations Educational, Scientific and Cultural Organization (UNESCO), the complainant's rejoinder of 9 March and the Organization's surrejoinder of 16 April 1992;

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written evidence;

CONSIDERATIONS:

1. In point 1 of its decision in Judgment 1131 of 3 July 1991 the Tribunal ordered the Organization to pay the complainant material damages in the amount of one year's full pay at grade P.2 at the rate prevailing at the date of termination. This is an application for interpretation of that order.
2. The complainant is asking the Tribunal to declare by way of interpretation or otherwise that it did not mean any deductions to be made from the amount of damages in the form of contributions either to the health insurance fund (\$1,398) or to the United Nations Joint Staff Pension Fund (\$3,560) and so to order a further payment to him of \$4,958.

The Organization replies that because of a mistake by its finance unit it paid him only \$54,826, having subtracted the \$4,958 from the amount due. It made that payment on 18 September 1991. When it saw its mistake it issued a bank order on 22 January 1992 for \$4,958, the sum it had wrongfully withheld.

But the complainant was out of pocket for over four months because of the mistake and is therefore entitled to payment of interest at the rate of 10 per cent a year from 18 September 1991 to 22 January 1992.

3. He is also entitled to an award of costs.

DECISION:

For the above reasons,

1. The Organization shall pay the complainant interest reckoned at the rate of 10 per cent a year from 18 September 1991 to 22 January 1992 on the sum of 4,958 United States dollars.
2. It shall pay him 500 dollars towards costs.

In witness of this judgment Tun Mohamed Suffian, Vice-President of the Tribunal, Miss Mella Carroll, Judge, and Mr. Edilbert Razafindralambo, Deputy Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 15 July 1992.

(Signed)

Mohamed Suffian

Mella Carroll
E. Razafindralambo
A.B. Gardner

Updated by PFR. Approved by CC. Last update: 7 July 2000.