

EIGHTIETH SESSION

In re SAUNDERS (No. 12)

(Application for review)

Judgment 1465

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 1303 filed by Mr. Yann Harris Saunders on 30 November 1994, the reply of 17 February 1995 of the International Telecommunication Union (ITU), the complainant's rejoinder of 3 March and the Union's surrejoinder of 7 April 1995;

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

Having examined the written submissions;

CONSIDERATIONS:

1. This is an application for review of Judgment 1303 of 31 January 1994 whereby the Tribunal dismissed the complainant's eighth complaint. In his pleadings on that case he contended that the ITU had acted in breach of the rule of equal pay for work of equal value by paying him a salary lower than that of another official whom it had recruited to the General Service category of staff in the same grade. The Tribunal ruled that the other official was not in the same factual situation as he. It held that he was unable to show any failure by the Union to observe the terms of his appointment or any breach by it of the Staff Regulations or Rules.
2. In this application he submits that the Tribunal overlooked several essential facts which may have led it to draw mistaken conclusions.
3. The documents he has filed with his application add nothing to the facts brought to the Tribunal's notice in the proceedings that led to Judgment 1303. They reveal no material fact which the complainant discovered too late to be able to cite in those proceedings. Indeed the only reason why he is relying on them now is, on his own admission, that he believesthey support the submissions he made in his eighth complaint. In any event his plea that the Tribunal overlooked essential facts cannot succeed because the documents merely confirm an administrative situation which the Tribunal took into account in giving judgment.
4. In his rejoinder he relies on another two "new facts" which relate to two colleagues of his and which he says he discovered in January 1995. But neither of those two staff members was in the same situation as he, and so the facts he describes as "new" are not material.

DECISION:

For the above reasons,

The application is dismissed.

In witness of this judgment Sir William Douglas, President of the Tribunal, Miss Mella Carroll, Judge, and Mr. Mark Fernando, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 1 February 1996.

William Douglas
Mella Carroll
Mark Fernando
A.B. Gardner

