

EIGHTY-FOURTH SESSION

In re Steele (No. 2)

Judgment 1692

The Administrative Tribunal,

Considering the second complaint filed by Mr. David Brian Steele against the World Health Organization (WHO) on 27 January 1997 and corrected on 16 March 1997;

Considering Articles II, paragraph 5, and VII, paragraph 3, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions and disallowed the complainant's application for hearings;

CONSIDERATIONS

1. The complainant left the service of the WHO on 30 June 1985 in the circumstances narrated in Judgment 789, which the Tribunal delivered on 12 December 1986. A complaint appealing against the decision to end his appointment and seeking reinstatement was unsuccessful. That matter is therefore *res judicata*.

2. The complainant addressed a letter to the Director-General of the World Health Organization on 24 November 1996. It was delivered to the WHO on 2 December 1996 and asked for a final decision on a request by him for a suitably organised internal inquiry which, if positive, would result in his "reintegration" and compensation and redress for the various injuries he had alleged.

3. He lodged a complaint with the Tribunal on 27 January 1997 challenging the implied rejection of that request under Article VII(3) of the Tribunal's Statute.

4. Quite apart from the fact that the complainant did not observe the time limits laid down in that provision, the Tribunal is not competent under Article II(5) of its Statute to entertain the substance of his complaint, which is not based on any allegation of non-observance in substance or in form of the terms of his appointment or of the provisions of the WHO Staff Regulations.

5. Since the complaint is therefore clearly irreceivable, the Tribunal dismisses it summarily under Article 7 of its Rules.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment Miss Mella Carroll, Judge, Mr. Mark Fernando, Judge, and Mr. James K. Hugessen, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 29 January 1998.

Mella Carroll
Mark fernando
James K. Hugessen

A.B. Gardner