

EIGHTY-EIGHTH SESSION

In re Palma (No. 10)

Judgment 1945

The Administrative Tribunal,

Considering the tenth complaint filed by Mr Francesco Palma against the European Southern Observatory (ESO) on 16 July 1998;

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

Having examined the written submissions;

CONSIDERATIONS

1. On 9 April 1998 the complainant wrote to the Director General asking him to provide "a decision of condemnation of the misrepresentations made by [the] Organisation in the course of the Judgment 1718 of 29.1.1998, by bringing consequently an official public excuse to the ILO Administrative Tribunal and to me in person".
2. Having received no reply the complainant filed a complaint with the Tribunal on 16 July 1998 against an implied negative decision.
3. The Tribunal under Article II(5) of its Statute is competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment of officials and of provisions of the Staff Regulations of the Organisation.
4. Consequently, the Tribunal has no power to quash an implied decision of the Director General refusing to condemn the Organisation and is not competent to grant the complainant the relief which he claims.
5. The complaint is clearly irreceivable and must be dismissed in accordance with the summary procedure provided for by Article 7 of the Tribunal's Rules.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 11 November 1999, Mr Michel Gentot, President of the Tribunal, Miss Mella Carroll, Vice-President, and Mr James K. Hugessen, Judge, sign below, as do I, Mrs Catherine Comtet, Registrar.

Delivered in public in Geneva on 3 February 2000.

Michel Gentot
Mella Carroll
James K. Hugessen

Catherine Comtet