

The Administrative Tribunal,

Considering the tenth complaint filed by Mr S. R. G. against the World Health Organization (WHO) on 18 August 2003;

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

Having examined the written submissions;

CONSIDERATIONS

1. The complainant seeks the reconsideration of Judgment 2119 (which itself refused to reconsider Judgment 2051) on the ground that it "failed to take into consideration [an] essential fact". That fact is said to be that the Organization - in carrying out the Tribunal's direction in Judgment 2051 to hold a new competition for the post which the complainant had applied for while at the same time protecting the candidate previously appointed to that post from injury - kept that staff member on the post pending the result of the new competition. That, the complainant says, gave the staff member concerned "an undue advantage and a definite edge over the other candidates".

2. Assuming that allegation to be true, it is clearly something which could and should have been brought forward prior to the delivery of Judgment 2119 and cannot now serve as a basis for the reconsideration of the latter. In fact, it is clear that what the complainant now seeks is the quashing of the new competition and of the new appointment resulting therefrom. That could only be done by way of a new complaint and the prior exhaustion of available internal remedies. The complaint is accordingly clearly irreceivable and devoid of merit and must be summarily dismissed, in accordance with the provisions of Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 13 November 2003, Mr Michel Gentot, President of the Tribunal, Mr James K. Hugessen, Vice-President, and Ms Mary G Gaudron, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 4 February 2004.

Michel Gentot

James K. Hugessen

Mary G Gaudron

