

The Administrative Tribunal,

Considering the complaint filed by Mr M.T. H.-H. against the World Health Organization (WHO) on 19 October 2005;

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

Having examined the written submissions:

CONSIDERATIONS

1. After being employed at the WHO since 1987 on the basis of short-term and then fixed-term contracts, the complainant was posted to Libreville in 1995 and in October of that year appointed Representative of the Organization in Gabon. In that capacity he was given the grade P.05, whereas according to him his grade should have been P.06. Following an appointment in Burkina Faso, he kept his P.05 grade until he retired on 31 January 2001.
2. In July 2003 he wrote to the Director of the WHO Regional Office for Africa requesting a “regularisation” of his financial situation. He subsequently complained several times to the Organization, both to the Regional Office and to Headquarters, particularly because he had never been given the grade P.06. In a letter of 10 April 2004 the Regional Director informed him that his request could not be granted. That position was confirmed by the Director of Human Resources Services at Headquarters on 24 March 2005, then again on 13 July 2005 on behalf of the Director-General. The reason given in these decisions was that pursuant to Article 380.7 of the Staff Rules, “[t]he Organization will not accept a claim in respect of an allowance or entitlement of any kind that is submitted beyond twelve months of the date when the initial payment would have been due”.
3. The complainant asks the Tribunal to set aside the decision of 13 July 2005. It appears from his own statements, however, that his request to the Administration for “regularisation” was submitted only in July 2003, that is two and a half years after separation. The Tribunal is bound to observe that he did not file an internal appeal within the prescribed time limit and that his request was therefore rightly considered as out of time. In the circumstances, the Tribunal dismisses the complaint brought before it as being clearly irreceivable in accordance with the summary procedure provided for in Article 7, paragraph 2, of its Rules.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 17 May 2006, Mr Michel Gentot, President of the Tribunal, Mr Seydou Ba, Judge, and Mr Claude Rouiller, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 12 July 2006.

Michel Gentot

Seydou Ba

Claude Rouiller

Catherine Comtet

Updated by PFR. Approved by CC. Last update: 21 July 2006.