

The Administrative Tribunal,

Considering the complaint filed by Mr G. N. against the Food and Agriculture Organization of the United Nations (FAO) on 27 September 2006;

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 is a former FAO official who held the post of Registry clerk in the FAO Representation in Zambia from 11 November 1980 until 31 December 1991. By letter of 25 June 1991 the FAO Representative in Zambia informed the complainant it had come to his attention that the complainant had lodged a complaint with the Ministry of Labour and Social Services of the host country making charges against the Organization and a firm in another country under the Zambian foreign exchange regulations. As well, the Representative observed that the complainant had supported his complaint to the Ministry by submitting documents copied from the Organization's office in Zambia. As these actions constituted a "serious breach of [...] trust", the Representative also informed the complainant that he was suspending him with pay for a period of two months with effect from 1 July 1991 and that he was recommending the termination of his contract.

2. On 25 October 1991 the complainant was informed that he was being relieved of his duties with pay until the end of his fixed-term appointment due to expire on 31 December 1991, that for budgetary and organisational reasons his Registry clerk post was being abolished, and that his appointment would not be extended.

3. On 10 December 1991 the complainant wrote to a Personnel Officer at Headquarters in Rome stating that he would like to appeal through him to the Appeals Committee and stated that he would also take the matter to the International Labour Organization "through [his] Government". Nothing further appears to have happened until May 2005 when the complainant wrote to the FAO stating that he was submitting his final appeal before proceeding with legal action. The Organization responded that since the events had transpired some 14 years earlier it was not prepared to revisit the decision and considered the matter to be closed.

The complainant asks the Tribunal to order his reinstatement and to award him material and moral damages, and costs.

4. The Tribunal observes that the complainant never proceeded with any internal appeal within the prescribed time limit and only raised the matter again with the Organization some 14 years later.

5. In the circumstances, the Tribunal dismisses the complaint 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 9 May 2007, Mr Michel Gentot, President of the Tribunal, Mr Giuseppe Barbagallo, Judge, and Ms Dolores M. Hansen, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 11 July 2007.

Michel Gentot

Giuseppe Barbagallo

Dolores M. Hansen

Catherine Comtet

Updated by PFR. Approved by CC. Last update: 19 July 2007.