

110th Session

Judgment No. 2999

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr V. L. P. on 28 October 2009 against the World Health Organization (WHO) acting on behalf of the International Computing Centre (ICC);

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 present complaint was filed on 28 October 2009. It purports to challenge a decision of 7 August 2009. On that day the ICC published a vacancy notice for the post of “Information Technology Assistant (Service Desk)–(GS-5) 100 Series”. According to the complainant, that is “exactly [his] job position”.

2. The complainant was employed by ICC from 8 August 2005 until 14 November 2008. His contract was terminated with effect from that date by letter of 10 October 2008 on the ground that “the functions of the temporary post to which [he was] assigned [would] be discontinued”. The complainant did not then challenge that decision.

He now seeks to challenge it indirectly by lodging a complaint against the decision, taken almost ten months later, to advertise what he says is “exactly [his] job position”.

Article II, paragraph 5, of the Tribunal’s Statute relevantly allows for the hearing of “complaints alleging non-observance, in substance or in form, of the terms of appointment of officials and of provisions of the Staff Regulations” of an international organisation. As the complainant’s contract was terminated with effect from 14 November 2008, he was not an official of ICC at the time it was decided to advertise the post in question and he was not then entitled to the benefits of the Staff Regulations in relation to that decision. Accordingly, the Tribunal is not competent to entertain the present complaint. Further, a complaint against the decision to terminate the complainant’s contract is both time-barred and, also, irreceivable on the basis that the complainant did not exhaust internal remedies.

As the present complaint is clearly irreceivable, it must be dismissed in accordance with the summary procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 11 November 2010, Ms Mary G. Gaudron, President of the Tribunal, Mr Seydou Ba, Vice-President, and Mr Claude Rouiller, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 2 February 2011.

Mary G. Gaudron
Seydou Ba
Claude Rouiller
Catherine Comtet