

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

K.

v.

ITU

(Application for interpretation)

134th Session

Judgment No. 4568

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for interpretation of Judgment 4440 filed by Mr E. K. on 11 October 2021;

Considering Articles II, paragraph 5, and VI, paragraph 1, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant is a former staff member of the International Telecommunication Union (ITU). He has filed an application with the Tribunal for interpretation of Judgment 4440, delivered in public on 7 July 2021, in which the Tribunal dismissed his application for review of Judgment 4370 concerning his first complaint, in which he challenged ITU's decision to retire him as from 31 July 2017.

2. In support of his application, the complainant submits that the meaning of Judgment 4440 is uncertain in several places and that its grounds are unclear.

3. According to the Tribunal's case law, and as was recalled in Judgment 4567, also delivered in public today, an application for interpretation is receivable only if the meaning of the judgment concerned is uncertain or ambiguous to such an extent that the judgment cannot be executed (see, for example, Judgments 3014, consideration 3, 3822, consideration 5, 3984, consideration 10, and 4409, consideration 6). Moreover, such an application can ordinarily concern only the decision in a judgment, and not the grounds thereof. Indeed, it can concern the grounds of the judgment as well only if the decision refers to them explicitly so that they are indirectly incorporated in the decision (see Judgments 2483, consideration 3, 3271, consideration 4, 3564, consideration 1, and also aforementioned Judgments 3822, consideration 5, 3984, consideration 10, and 4409, consideration 6). The Tribunal notes that these requirements are actually set out at the beginning of the form used to file an application for interpretation.

4. The complainant's arguments concerning Judgment 4440 focus entirely on its grounds, whereas the decision in that judgment – stating that “[t]he application for review is dismissed” – makes no reference to them. These arguments are therefore irrelevant under the case law recalled above. Moreover, the meaning of the decision in Judgment 4440, worded as indicated above, is not at all ambiguous or uncertain and therefore does not require interpretation by the Tribunal.

5. It ensues from the foregoing that the complainant's application for interpretation is clearly irreceivable and must be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The application for interpretation is dismissed.

In witness of this judgment, adopted on 12 May 2022, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered on 6 July 2022 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLÉMENT GASCON

DRAŽEN PETROVIĆ