

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)

136th Session

Judgment No. 4732

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for interpretation of Judgment 4567
filed by Mr E. K. on 9 August 2022;

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, a former staff member of the International Telecommunication Union (ITU), filed an application for interpretation of Judgment 4567, delivered in public on 6 July 2022, in which the Tribunal dismissed his previous application for interpretation of Judgment 4370. The latter judgment concerned his first complaint against the organisation's decision to retire him as from 31 July 2017.

2. In support of his application, the complainant submits that Judgment 4567 contains several areas of uncertainty and that the Tribunal's decision is not clear.

3. According to the Tribunal's case law, and as recalled in Judgment 4567, consideration 3, 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 4409, consideration 6, 3984, consideration 10, 3822, consideration 5, and 3014, consideration 3). Moreover, ordinarily such an application can concern only the decision in a judgment, and not the grounds thereof. It is, however, accepted that it may additionally concern the grounds if the decision refers to them explicitly so that they are indirectly incorporated in the decision (see aforementioned Judgments 4409, consideration 6, 3984, consideration 10, and 3822, consideration 5, and also Judgments 3564, consideration 1, 3271, consideration 4, and 2483, consideration 3). The Tribunal notes that these requirements are actually set out at the beginning of the form used to file an application for interpretation.

4. Given that the arguments put forward by the complainant in relation to Judgment 4567 refer exclusively to the grounds thereof and seek to criticise their content, whereas the decision in that judgment – stating that “[t]he application for interpretation is dismissed” – makes no reference to them, those arguments are irrelevant under the aforementioned case law. In addition, contrary to the complainant's assertions, that decision, worded as just indicated, is not at all uncertain or ambiguous and therefore does not require interpretation by the Tribunal.

5. In light of the above, the complainant's application for interpretation is clearly irreceivable and must therefore 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 2023, Mr Michael F. Moore, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered on 7 July 2023 by video recording posted on the Tribunal's Internet page.

(Signed)

MICHAEL F. MOORE JACQUES JAUMOTTE CLÉMENT GASCON

DRAŽEN PETROVIĆ