

**NINTH ORDINARY SESSION**

***In re* ROSENHEIM**

**Judgment No. 52**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the United Nations Educational, Scientific and Cultural Organisation drawn up by Mr. Rosenheim on 5 June 1960 and the Organisation's reply of 9 January 1961;

A. Considering that complainant prays for the quashing of a decision whereby a claim which he had submitted was impliedly rejected with effect from 29 September 1959, and of a further decision dated 7 March 1960 whereby the internal appeal which he had lodged against the said implied decision was rejected, both of which decisions denied complainant's retroactive affiliation to the United Nations Joint Staff Pension Fund, on the grounds that until the age of 60 complainant had been bound to the Organisation by a contract for services which did not carry entitlement to affiliation with the Pension Fund, such affiliation having been also precluded when complainant subsequently received a contract of employment, because he was then past the age of 60;

B. Considering that, by an instrument dated 4 September 1961, which was filed with the Registrar on 11 September 1961, complainant states that he renounces the right to bring any suit against the United Nations Educational, Scientific and Cultural Organisation on the ground of non-affiliation with the United Nations Joint Staff Pension Fund and, as the result of an out of court settlement, waives any claim and withdraws any complaint whatsoever which he might make concerning the consequences of such non-affiliation, and furthermore that, in its conclusions of 18 September 1961 concerning the withdrawal of complainant's suit, the Organisation, having regard to the said out of court settlement, withdraws its earlier requests for the dismissal of the complaint and asks instead that the complainant's withdrawal of suit should be officially recorded.

**DECISION**

The Tribunal notifies the parties that Mr. Rosenheim's withdrawal of suit is hereby recorded.

In witness of this judgment, delivered in public sitting on 6 October 1961 by the Right Honourable Lord Forster of Harraby, K.B.E., Q.C., President, Mr. Maxime Letourneur, Vice-President, and Mr. André Grisel, Judge, the aforementioned have hereunto subscribed their signatures, as well as myself, Lemoine, Registrar of the Tribunal.

Signatures:

Forster of Harraby  
M. Letourneur  
André Grisel  
Jacques Lemoine