

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

FIFTIETH ORDINARY SESSION

In re THEODORU

Judgment No. 559

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed against the International Labour Organisation (ILO) by Mr. Georges Theodoru on 12 October 1982 and brought into conformity with the Rules of Court on 22 October, and the ILO's communication of 8 November 1982;

Considering Article II, paragraph 1, of the Statute of the Tribunal, and Article 8, paragraph 3, of the Rules of Court;

Having examined the written evidence;

CONSIDERATIONS:

1. The Organisation employed the complainant as an expert from 18 September 1967 to 28 February 1969, from 20 to 28 March 1969 and from 29 May to 28 June 1969. It has not employed him since.

2. In December 1981 he applied for a post as an expert which the Government of Uruguay had asked the ILO to fill. His application was turned down and he applied again, in vain, in letters of 14 April and 23 June 1982.

He filed his complaint with the Tribunal on 12 October 1982 and is seeking payment of the salary which the expert will be paid over three months, damages for moral injury, and costs.

3. In accordance with Article 8(3) of the Rules of Court the President of the Tribunal instructed the Registrar to take no further action on the complaint until its next session.

4. The complainant is not alleging any breach of the provisions of the Staff Regulations or Staff Rules or of any of the terms of an appointment. In fact he has no right to appointment as an expert by the Organisation, and under Article II of its Statute the Tribunal is not competent to hear his claims.

Since lack of competence may be assimilated to irreceivability, the complaint must be summarily dismissed in accordance with Article 8(3) of the Rules of Court.

DECISION:

For the above reasons,

The complaint is dismissed.

In witness of this judgment by Mr. André Grisel, President, Mr. Jacques Ducoux, Vice-President, and the Right Honourable Lord Devlin, P.C., Judge, the aforementioned have hereunto subscribed their signatures as well as myself, Allan Gardner, Registrar of the Tribunal.

Delivered in public sitting in Geneva on 30 March 1983.

(Signed)

André Grisel

Jacques Ducoux

Devlin

A.B. Gardner

Updated by PFR. Approved by CC. Last update: 7 July 2000.