

TWELFTH ORDINARY SESSION

***In re* DE BEITIA and CHADBURN**

Judgment No. 72

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaints against the World Health Organisation drawn up by Messrs. Pedro de Beitia and John Douglas Chadburn on 15 July 1963;

A. Considering that both of these complaints raise the same question, and that they should be examined jointly so that they may be the subject of a single decision;

B. Considering that the complainants request the rescinding of the implicit rejection, resulting from the silence maintained by the Administration, of an appeal submitted on 21 February 1963 and request the Tribunal, consequently, to order WHO to implement in the Region of the Americas the standards for the posts of translators introduced on 15 September 1958, to apply these standards to the posts held by the complainants and to assign to them the grade P.4 at the step which the complainants would have had on the date of submission of the complaint if the standards had been implemented in 1958, and to grant them the back pay due for the intervening period;

C. Considering that, by an instrument of 21 January 1964 filed with the Registrar prior to the filing of the Organisation's reply, for which the Tribunal on several occasions, extended the time limit, the complainants stated that they withdrew any claim whatsoever with respect to the relief prayed for in their complaints in view of their promotion meanwhile to the grade P.4 and of the assurance that, the reconsideration of the cases of the persons concerned having been undertaken in the interests of sound administration and, in particular, in order that, prior to the hearings of these cases before the Tribunal, the internal proceedings would have been concluded, the awarding of the promotions prior to the filing of the Organisation's reply implied the acceptance by the Administration of the fact that, at the date when the classification decisions concerning the posts of the persons concerned were made, the duties actually being carried out were such as to justify the assignment of these posts to the higher grade;

D. Considering that, by an instrument of 31 January 1964, the Organisation states that, it does not contest the above conclusions;

DECISION:

The Tribunal notifies the parties that Messrs. de Beitia's and Chadburn's withdrawal of suit is hereby recorded.

In witness of this judgment delivered in public sitting in Geneva on 11 September 1964 by Mr. Maxime Letourneur, President, Mr. André Grisel, Vice-President and Mr. Hubert Armbruster, Deputy Judge, the aforementioned have hereunto subscribed their signatures, as well as myself, Lemoine, Registrar of the Tribunal.

Signed:

M. Letourneur
André Grisel
H. Armbruster
Jacques Lemoine