

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

## FIFTY-NINTH ORDINARY SESSION

In re NESIC (No. 3)

Judgment No. 772

THE ADMINISTRATIVE TRIBUNAL,

Considering the third complaint filed by Mr. Cedomir Nestic against the International Labour Organisation on 24 March 1986;

Considering Article II, paragraphs 1 and 6, of the Statute of the Tribunal and Article 8, paragraph 3, of the Rules of Court;

Having examined the written evidence;

### CONSIDERATIONS:

1. On 1 June 1983 the complainant drew up for submission to the General Conference of the Organisation what he described as a "complaint about the Governing Body's attitude towards my candidacy". The text was not passed on to the Conference and on 15 May 1984 he submitted to it a similar document restating his earlier grievances. This document did not go before the Conference either.

On 25 September 1984 the complainant filed a complaint with the Tribunal asking it to order (1) that his claims be addressed to the competent authority, viz. the Conference; (2) that the election of the Director-General be set aside and a new election held; and (3) that he be awarded damages for wrongful rejection of his candidacy and the failure to hear his claims.

The Tribunal dismissed the complaint in a judgment, No. 661, which it delivered on 19 June 1985. It held that although under Article II(6) of its Statute it was open to an official even if his employment had ceased, not every such official had access but only one who was alleging that some right had arisen under his former appointment. Having been employed by the ILO from 20 August 1966 until 31 December 1970 the complainant could submit to the Tribunal only claims arising out of his employment during that period. Since he was not doing so, his complaint was irreceivable.

2. The present complaint objects to the Director-General's having represented the Organisation in the case ruled on in Judgment 661 and claims damages. There being no link with the complainant's employment in the Organisation, his complaint fails for the reasons the Tribunal gave in its judgment on the first one.

3. The complainant asks what body would be competent to hear his grievances. The Tribunal does not give advice of that kind.

### DECISION:

For the above reasons,

The complaint is dismissed.

In witness of this judgment by Mr. André Grisel, President of the Tribunal, Mr. Jacques Ducoux, Vice-President, and Mr. Héctor Gros Espiell, Deputy Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 12 June 1986.

(Signed)

André Grisel

Jacques Ducoux

H. Gros Espiell

A.B. Gardner

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