

SEVENTY-FOURTH SESSION

***In re* RICHARD**

Judgment 1231

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr. Yves Richard against the International Criminal Police Organization (Interpol) on 15 June 1992, Interpol's reply of 18 August, the complainant's rejoinder of 9 September and the Organization's surrejoinder of 28 September 1992;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Articles 18, 23, 36(3) and 50 of the Staff Regulations and 41(2) and (5), 43(2), 44, 45, 101 and 128 and Appendix I of the Staff Rules of Interpol;

Having examined the written submissions and decided not to order hearings, which neither of the parties has applied for;

Considering that the facts of the case and the pleadings may be summed up as follows:

A. The complainant, a Frenchman who was born in 1952, joined Interpol's staff in 1975 as a records clerk at grade D1. He got several promotions and in 1986 was appointed head of group for the Counterfeits and Forgeries Review, known as the "C and F Review", at grade C5.

In March 1989 he found mistakes in a list of forged United States dollar banknotes which had been published in a number of the Review and which Mrs. Milan-Kendall, the Secretary General's wife, was responsible for. After so informing his supervisor he submitted a report on 16 March to the Secretary General, Mr. Kendall, in which he suggested reshuffling the duties of the staff working for the Review. He also got in touch with the editor of the Review to correct the mistakes. On 17 March the Secretary General replied to his report of 16 March in a memorandum he sent to the head of the complainant's division.

By an individual decision of 6 November 1989 the Secretary General informed the complainant that in the Organization's interests his post as head of the group in charge of the Review was being abolished and a new one established for head of an administrative group and that he would be put on the new post if he so agreed, but that if he did not he would be dismissed. He agreed.

On 10 June 1991 he applied for a vacancy which Interpol had announced a few days earlier for head of the General Services section. In a letter of 16 July the head of the Personnel Sub-division told him that his application had been unsuccessful.

Meanwhile, in a letter of 19 June, he had complained to the Secretary General about the Administration's refusal of a training allowance for English classes. He also objected to his working conditions over the past three years or so on the grounds that his "authority as head of group was being flouted because Mrs. Milan-Kendall was free to act independently". He claimed compensation for the moral injury and raised the possibility of an agreed separation. In a letter of 15 July to the Secretary General he set his grievances out again and pressed his claim to damages. In a decision of 19 August the Secretary General refused it and added that because of his own "wish for an appointment outside Sub-division 2 of Division II", his post as head of the administrative group would be abolished as from 1 October 1991. He was offered instead a grade C8 post as a data-processing operator in Sub-division 4 of Division II and given one month in which to make up his mind. If he accepted he would be transferred, but if not he would be dismissed.

In a letter of 11 September 1991 the complainant asked the Secretary General to review his decision of 19 August but, if he did not, to put the matter to the Joint Appeals Committee on the grounds, among others, that the offer of transfer to the post of data-processing operator was tantamount to a hidden disciplinary sanction. The Secretary General acknowledged receipt of his letter the same day and asked him whether he accepted the transfer or not. In

a memorandum also dated 11 September he replied that he did not because it meant downgrading. On 13 September the Secretary General gave him six months' notice of termination of his appointment but added that he was relieved of duty during that period. As for his request for review of the decision of 19 August rejecting his claim of 19 June, the Secretary General said that he had put the matter to the Joint Appeals Committee. On 1 October the complainant appealed to the Committee against the Secretary General's decision of 19 August. On the morrow he asked the Secretary General to review his decision of 13 September and on 7 November lodged a second appeal with the Joint Appeals Committee.

In a unanimous report of 11 March 1992 to the Secretary General the Committee held that, though receivable, his appeals were without merit. In a decision of 19 March the Secretary General told the complainant of the rejection of his requests for review on the same grounds as those stated in the Committee's report. That is the decision under challenge.

B. The complainant submits that the decision is unlawful on two counts.

It rests, first, on clearly mistaken conclusions on issues of fact. Either the post of head of group was done away with because it served no real purpose, and in that case it had just been trumped up to catch the complainant out and oust him from a job he had been doing successfully, or else the duties of the post did exist and in that case it was wrong to abolish it. At all events, even if abolition was lawful the Organization had a duty to offer him a proper job, provided he was qualified for it. It was an offence to his dignity and good name to offer him a post three grades lower, thereby robbing him of supervisory status and making him obey orders rather than manage.

Secondly, the decision he impugns was taken for reasons irrelevant to the service requirements of the Organization. He ran into trouble after finding Mrs. Milan-Kendall out because the Secretary General was anxious to shelter his own wife, not to serve the Organization's interests.

Most international organisations have a code of behaviour intended to ensure that the executive head should have no close relative on the staff. If he does, his relative must be discreet, or even self-effacing, and he himself must beware of charges of bias by allowing the relative no preference or indulgence whatever. It is a pity that Mr. Kendall did not keep the promise he made to the Executive Committee of Interpol in 1983 that his wife would leave if he were elected Secretary General. The behaviour that his and her peculiar position demanded fell far short of the required standard. When the complainant wrote his report of 16 March 1989 to the Secretary General suggesting a reshuffle of duties that would suit Mrs. Milan-Kendall's position and his own, the Secretary General responded within 24 hours by halting what was proposed. He also granted his wife relief from her usual duties so that she could help the head of the Administrative Division to fit out as private quarters for the Secretary General premises that had been intended to serve as his offices. Lastly, the complainant had no sooner made the proposals prompted by the incident engaging the professional responsibility of the Secretary General's wife than his working conditions and the assessment of his performance took a turn for the worse.

Interpol's reply in the internal proceedings is immaterial. Mrs. Milan-Kendall's lapse in March 1989 cost the Organization 4,329 guilders. The complainant's calling her to account was the cause of his dismissal. The abolition of his last two posts, his last transfer and his dismissal were quite unlawful, whether taken together or separately. Though Mrs. Milan-Kendall's responsibility is a side issue, the report he submitted to the Secretary General on 16 March 1989 was seen as an "act of high treason" for which he has never been forgiven and which brought about his fall from grace and banishment.

Interpol caused him grave moral and material injury. Despite a successful career he was "shunted" out of harm's way until his post was scrapped and he was made an unacceptable offer of transfer. His dismissal has taken its toll of his private life and caused him grave material injury too since he has failed to find another job.

He seeks the quashing of the impugned decision, reinstatement or, failing that, damages in the amount of three years' salary, moral damages and 59,300 French francs in costs.

C. In its reply Interpol submits that the charge of misuse of authority is groundless.

First, it was not because the Secretary General wanted to protect his wife that the post of head of the administrative group of Sub-division 2 of Division II was abolished. For one thing, she and the complainant had not been working together since his transfer in November 1989 to the post of head of the administrative group. For another,

the break-up of the group which the complainant headed did not bring Mrs. Milan-Kendall promotion or any other benefit in her career. Lastly, for much of the time after his transfer she was on sick leave and so there can have been no dispute between them. Professional or personal dispute being therefore inconceivable, there can have been no misuse of authority either.

Secondly, the facts he is relying on to show misuse of authority hark back to the time when he was head of the group in charge of the C and F Review. How can they prove bias in the decision to abolish his post when they are utterly irrelevant to that post?

As for its alleged misappraisal of the evidence, Interpol says that what prompted abolition was that the post of head of the administrative group had failed to yield the expected results. Abolition had been mooted for some time and followed consultation at all levels of the secretariat. So the complainant's letter of 15 July 1991 must be seen as a bid to forestall abolition by forcing the Secretary General through pressure on his wife to concede a more generous settlement.

Interpol says its decisions to abolish the post of head of group for the Review, to create the post for the head of the administrative group and to offer the complainant transfer was taken for objective reasons and free of personal prejudice. His failing to challenge them at the time makes irreceivable his pleas in support of his claim to damages. If he believed that the abolition of the post and his transfer were due to the "act of high treason" he had committed by writing his report of 16 March 1989, he could have said so as early as November of that year in appeal against the decision of 6 November. Not until July 1991 did he raise the issue to back up his claim to compensation.

The Organization denies drawing mistaken conclusions from the evidence by failing to offer him a post at the grade of the one it had abolished. Before late 1992 it had few vacancies at grade C5 and could not offer them to him anyway because he was not qualified for them. Since it has fewer than 300 staff, a third of them police officers, it has difficulty in finding a new job for anyone like the complainant whose post is abolished for the sake of its own efficiency. It had no choice but to cut his pay in accordance with the rules. As to the post he applied for as head of the General Services section, though the abolition of his own post did entitle him to preference he had no right to a post at a higher grade: Article 43(2) of the Staff Rules says that no one may claim promotion. Interpol took due account of his interests by offering him the job as data-processing operator instead of just ending his appointment without offering any vacancy at all, a course that would, besides, have infringed Article 101 of the Staff Rules.

In answer to his contention that the Secretary General's wife should not be on the staff at all Interpol points out that he is relying on privileged material which was put to the Organization's Executive Committee and which he should not have got hold of. The Secretary General never entered into the commitment he alleges and no-one in Interpol's executive bodies has since raised the question of his wife's leaving. Besides, there was no lawful means of forcing Mrs. Milan-Kendall out. She joined the Organization before Mr. Kendall did; that he later married her and became Secretary General is not a valid reason for dismissing her. The complainant certainly did not suffer for her being the Secretary General's wife. Although he had not served as long as she as technical editor of the Review, it was he who, because of the Secretary General's disinterested attitude, became head of the group in charge of the Review. Though she had to help in fitting out the fifth floor of the Organization's new building she did not get "relief from her usual duties" for the purpose, but just a short part-time assignment so that she could help the Administrative Division in charge of running the premises.

D. In his rejoinder the complainant submits that the reply raises no new issue, its main endeavour being to clear Mrs. Milan-Kendall. In his view that is beside the point: what mattered was not how negligent she had been but seeing that mistakes did not recur. And that was why he wrote his report of 16 March 1989.

In the space of two years he had his two posts abolished though his record had been wholly satisfactory for over 16 years. He maintains that Interpol should have done its utmost to find him a proper post or at least a means of letting him keep his pay and his status as manager.

E. In its surrejoinder the Organization says that it sees no point in his accusing it of wanting to "clear" the Secretary General's wife: he had levelled charges against her and it wanted to set the record straight.

As for what he says about the less favourable assessment of him, he never appealed against his periodic reports and he went from step 6 to step 7 in November 1990 in the usual way.

CONSIDERATIONS:

1. The last post the complainant held with Interpol was as head of an administrative group at grade C5 in Sub-division 2 of Division II (Police). On 13 September 1991 the Secretary General dismissed him on the abolition of his post and on 19 March 1992 finally upheld that decision. The complainant wants the quashing of the decision, reinstatement or, failing that, an award of three years' salary in damages; damages for moral injury in an amount he leaves to the Tribunal; and costs.
2. The material facts may be summed up as follows. The complainant joined the staff of Interpol in 1975 as a records clerk at grade D1 in Sub-division 2 of Division II of the General Secretariat. That sub-division is responsible for matters relating to economic and financial crimes. The complainant was well thought of and made good and rapid progress. In 1986 he was appointed head of group in the sub-division and put in charge of the writing and publication of a review issued by Interpol under the title "Counterfeits and Forgeries" and known as the "C and F Review".
3. After a promising start in his new post he ran into trouble with his supervisors. Early in 1989, he found mistakes in a list of counterfeit United States dollar banknotes that was brought up to date every month in the C and F Review. He at once put the blame on another staff member who was none other than the wife of the Secretary General. He proposed administrative reform and got in touch with the publisher of the Review in the Netherlands so as to have the mistakes put right and ensure that they would not happen again.
4. The head of the sub-division and the head of Division II took the view that he had acted unwisely and especially deplored his involving third parties outside the Organization without telling his supervisors. From then on there were adverse comments in his periodic assessment reports by the head of the sub-division, who took him to task for acting on his own and failing to work with his supervisors.
5. By a decision conveyed to him on 6 November 1989 the Secretary General abolished his post as head of the Review group as from 20 November and created a post at the same grade as head of an administrative group in the sub-division. A description of the new post was appended. The Secretary General ordered him to accept transfer to it within seven days and warned that, if he refused, Article 36(3)(e) of the Staff Regulations, which is about termination following refusal of an offer on abolition of post, would apply. The grounds for the decision were stated to be "service requirements" and "the Organization's interests".
6. Despite some misgivings the complainant accepted the transfer in a letter of 9 November 1989, though he said he looked forward to proper help from the Organization in the form of "in-house or outside training or both" for his new duties. He then actually carried them out with support from two subordinates, one of them part-time. After six months on the job he sent his supervisors a memorandum dated 11 May 1990 explaining how work in the new administrative group was to be organised. His memorandum made much of his own duties, which he said consisted in "planning, organising and overseeing" the work of the group, and he promised to take "remedial action" if there was any departure from the plan.
7. No-one seems to have been happy with the new unit. In a report of 25 October 1990 assessing the complainant's performance the head of the sub-division said that his new post had "not yielded the expected results".
8. For his part the complainant showed dissatisfaction time and again. On 10 June 1991 he applied for a post as head of section in the General Services Section and said that he would be willing to undergo training for the purpose if necessary. His application was turned down on 16 July.
9. On 19 June 1991 he wrote the Secretary General a letter objecting to delay in granting him a "training allowance" to encourage him to learn English. He said that he was under unbearable emotional stress at work and he spoke of possible termination by agreement under Article 50 of the Staff Regulations. A personnel officer called him for interview on 17 July. The day before he handed in a long handwritten letter dated 15 July which he addressed to the Secretary General and in which he went over and enlarged on his grievances. It appears that at the interview he said he wanted transfer to more satisfactory work in the Organization.
10. His letter of 15 July recapitulated at length what had happened while he was in charge of the C and F Review; complained about the working atmosphere in the administrative group and lack of real responsibility in his new job; and expressed the view that the abolition of his post as head of the Review and the creation of the post as head

of the administrative group "had nothing to do with considerations of work". But he added nothing to the claims he had made in his letter of 19 June.

11. On 19 August 1991 the Secretary General sent him an "individual decision" that read as follows:

"1. I am afraid I cannot grant your claims of 19 June 1991, repeated in your letter of 15 July, to compensation for the moral and professional injury you say you have suffered in the last three years, and more particularly since transfer to your post as head of the administrative group in Sub-division 2 of Division II.

2. But in your interview with the personnel officer on 17 July about your claims you said you would like a post outside Sub-division 2 of Division II. In accordance with that wish and in the Organization's own interests I have taken the following decisions:

(a) Your present post as head of the administrative group in Sub-division 2 of Division II is abolished as from 1 October 1991.

(b) In view of the vacancies in the Organization to be filled by the end of 1991 or provided for in the budget for 1992 all I can offer you is a post as a data-processing operator in Sub-division 4 of Division II. I believe you to be qualified for the post, which is graded C8, and in accordance with Article 41(5) of the Staff Rules your salary will be 12,419 French francs a month.

(c) You are allowed one month from the date of notification of this decision in which to consider the offer. In accordance with Article 41(2) of the Rules, if by the end of that month you have refused or failed to answer the offer your appointment will be terminated; if you accept the offer you will be transferred to your new post as from 1 October 1991."

12. The text of the decision observed under the heading "Grounds" that in his talk with the personnel officer the complainant had said he wanted to leave the sub-division. The Secretary General went on:

"Since abolishing your post has been mooted for several months because of service requirements it has been decided to remove you from it as from 1 October 1991".

The Secretary General then listed some vacancies. They included posts for data-processing operators at grade C8, and he said that that was the only sort of post the complainant might be qualified for.

13. In a letter and in a memorandum of 11 September 1991 the complainant objected to the decision. He first drew attention to his claim to compensation for following English classes, which had not been answered. He then challenged the construction put on his interview with the personnel officer. What he wanted, he said, was a post equivalent to the one he held and so he refused transfer to the proposed post, which entailed downgrading. He objected to the administrative procedure that had been followed. Lastly, he made a request for review of the decision and, failing that, for referral to the Joint Appeals Committee under Article 128 of the Staff Rules.

14. On 13 September 1991 the Secretary General sent the complainant another decision in the following terms:

"1. You have been offered transfer to the post of dataprocessing operator because of the abolition of your post as head of the administrative group in Sub-division 2 of Division II. Since you have refused that offer I am sorry I have to terminate your appointment under Article 36(3)(e) of the Staff Regulations.

2. Since your present post is abolished as from 1 October 1991 the six months' notice of termination will start at that date. The effective date of termination will be 31 March 1992.

3. You need not work during the period of notice and will be paid each month at your present grade up to the effective date of termination.

4. You are entitled to termination indemnity and it will be paid to you at the effective date of termination."

Under the heading "Grounds" the Secretary General explained that "the decision to abolish your present post is due to service requirements" and "the offer of transfer made to you comes under Article 101 of the Staff Rules and is on no account to be seen as disciplinary action". The Secretary General further informed him of the referral of his

case to the Joint Appeals Committee but said that "according to Article 42(2) of the Staff Regulations" - he meant 43(2) - a request for review did not suspend the execution of the decision.

15. After taking full written submissions from the parties the Joint Appeals Committee reported to the Secretary General on 11 March 1992. It unanimously recommended rejecting the complainant's claims. On receiving the report the Secretary General confirmed by a decision of 19 March the rejection of the complainant's claims of 19 June, 19 August and 11 September 1991. He added: "The grounds for my decision are the same as those that the Committee stated in its report". The present complaint challenges that decision and the one of 13 September 1991 that it confirms.

The merits

16. The complainant's pleas call for two introductory comments which will serve to define the compass of the dispute.

17. One is that the Tribunal is not concerned with the internal organisation of the General Secretariat of Interpol, let alone human relations and clashes of temperament among its staff. What it must do is determine whether the decisions under challenge infringed the complainant's rights under the Staff Regulations.

18. The second comment is prompted by the complainant's repetitive and inflated discussion of the incidents that led to his leaving the C and F Review. Those are facts that belong once and for all to the past because, however half-heartedly, he concurred in transfer to his final post as head of the administrative group. The only material issue is whether it was in line with the rules to abolish that post and dismiss him.

19. When all is said and done his case really comes down to just two pleas. One is that no proper administrative process was followed for abolishing his post and ending his appointment; the other that there was misuse of authority because the sole purpose of creating and abolishing his post was to get him out of the Organization notwithstanding his wish to stay on. As to the misuse of authority, it is consistent with what is said in 18 above that the Tribunal will not determine whether the Secretary General may have wanted to get rid of him because of the personal dispute in the Review: the only point at issue is whether his post as head of the administrative group was abolished for reasons extraneous to Interpol's objective interests.

Breach of due administrative process

20. There was more than one flaw in the procedure the Secretary General followed to secure the complainant's removal. The main one was that he treated his own warning of 19 August 1991 and his decisions of 13 September 1991 and 19 March 1992 as answers to the complainant's claims, which were irrelevant to the purpose eventually attained, the abolition of his post. He had made two such claims: a fairly petty one to an allowance for studying English, which the Secretary General ignored, and a demand for better working conditions.

21. But there were other breaches of due administrative process, and they have a bearing also on the plea about abuse of authority. One is that the Secretary General couched one decision after another in the language of threat. Thus in his decision of 6 November 1989 doing away with the post for head of the Review and setting up the one for head of the administrative group he was already telling the complainant either to acquiesce in transfer within the week to the new post or face dismissal. The decisions under challenge took the same tack. The earliest of them, the one of 19 August 1991, said that the complainant must put up with a more lowly post or be dismissed after one month. In a letter of 11 September 1991 the Secretary General called upon him to state his views clearly on the subject within two days, i.e. by the evening of 13 September. And it was on that very day that the Secretary General abolished his post and dismissed him with six months' notice, while relieving him of the duty to work up to the date of termination.

22. Although Interpol is not to be held liable for a firm response to an unacceptable state of affairs in its secretariat, this was a case where an official had made known his dislike of duties that had been thrust on him and asked for something more satisfactory. Apart from a few mild strictures in periodic assessment reports he was not at the time alleged to have shown any professional shortcomings and had not been given his say on any such allegation. The blatant purpose of the tactics described above was not to settle the matters he had raised but to turn him out as soon as could be.

23. The reasons given for the impugned decisions prompt one last remark under this head. The texts include a

section headed "Grounds", but what appears there is just a broad allusion to the Organization's "service requirements" or "interests". Such terms are meaningless unless there is a fuller explanation enabling the staff member and, if need be, the Tribunal to grasp the actual reasons, especially where the outcome is as drastic as abolition of post and dismissal. A reference to an organisation's general interests is not to serve as an all-purpose catch-phrase to make any sort of administrative action pass muster.

Misuse of authority

24. The complainant's second plea raises a serious question of management in the international civil service: how may a post may be abolished and what are the consequences for the incumbent?

25. In Judgment 269 (in re Gracia de Muñiz) the Tribunal acknowledged that abolition is at an organisation's discretion and may help it to adapt to trends in work and to reshape its secretariat accordingly. But it warned that it would exercise its usual power of review in this area too so as to ascertain whether the staff's rightful interests had been safeguarded on abolition. It cited under 2 "a general principle whereby an organisation may not terminate the appointment of a staff member whose post has been abolished, at least if he holds an appointment of indeterminate duration, without first taking suitable steps to find him alternative employment".

26. In that and in later judgments it held that there must be objective grounds for abolition, which must not be used as a pretext for dislodging undesirable staff: see Judgments 334 (in re Caglar) under 5; 523 (in re Gotschi) under 5; 756 (in re Soares Nogueira) under 2; and 807 (in re Pereira da Cruz) under 16 and 17.

27. As is said, albeit in another context, in Judgment 1207 delivered this day (in re Bounou), a distinction must be drawn between the post, the content of which depends on the organisation's structure and requirements, and the staff member's position as holder of the post. Although the staff member's lot depends on the post he holds, conversely the organisation may not set up or do away with a post on personal grounds. The distinction is between the post, which must be created, defined and abolished according to objective criteria that are subject to judicial review, and the personal position of the incumbent. It is a guarantee that the international civil service affords against the risk of dismissal without due cause or reason on grounds of abolition or reform of posts.

28. Actually those principles are embodied in Interpol's own Staff Regulations and Rules, which the parties do not cite. Article 18 of the Regulations is about the grading of posts and refers to implementing provisions in the Staff Rules. Articles 44 and 45 of the Rules refer in turn to Appendix I, which goes into detail on the subject. Underlying all those rules is the intent to define and create posts by objective criteria and guard against arbitrary administrative action.

29. The complainant's post was plainly created and abolished for no objective reasons, the sole purpose being to sort out the case of someone the Organization was finding it harder and harder to keep on because his presence had made for trouble. The evidence of that is set out below.

30. The decision of 6 November 1989, which is in itself beyond appeal, abolished the complainant's old post with the Review and set up an equivalent post as head of the administrative group in the sub-division. But the description of his duties which was appended to the decision has no real content. Of the nine duties that the text sets out, two - "co-ordination and development of the work of the group" and "any other administrative duties prescribed by the head of the Subdivision" - identify no substantive task. And the other seven entail no peculiar responsibility either, since they all consist in "co-operating" or "helping" or "follow-up" of the work of other units, including the keeping of statistics on "files processed by the Sub-division".

31. The Organization itself acknowledges the sterility of the post since, as was said in 7 above, in the report written on his performance on 25 October 1989, less than a year after it had been set up, his first-level supervisor admitted that it had "not yielded the expected results". Again, in the decision of 19 August 1991, taken less than two years afterwards, the Secretary General himself told the complainant that "abolishing your post has been mooted for several months".

32. Those facts lend weight to the complainant's view that "shunting" him - as he puts it - into an empty administrative post was just a start to removing him.

33. What bears out the foregoing is that apart from the broad allusion to "interests" the impugned decisions disclose no consistent idea of reform warranting the creation of the post as head of the administrative group in 1989 or the

abolition of it in 1991. There is no discerning in what happened anything but a series of makeshift measures taken - at heavy cost to the Organization's coffers - to dispose of the case of an official Interpol wanted to discharge in disregard of due forms and process. To that extent there is a parallel in law with a case the Tribunal deplored in Judgment 807 cited in 26 above (in re Pereira da Cruz).

34. If Interpol wanted to dismiss the complainant for professional reasons or give him, possibly humbler, duties he was fitter for, it ought to have resorted to Article 23 of the Regulations, which is about transfer, or Article 36, which provides for termination on various grounds, for example where "the official does not perform the functions inherent in the post to which he is assigned in a satisfactory manner" ((3)(b)). So the Secretary General patently misused the authority vested in him under 36(3)(d) and (e).

35. The conclusion is that the challenged decisions must be set aside because the due administrative process was not followed and because there was misuse of authority. In his claims the complainant leaves it open whether he is to be reinstated or awarded damages. The Tribunal prefers the latter because of the difficulties the complainant himself acknowledges in reinstating him. The award of two years' gross pay reckoned at the rate of his last full month's pay will afford fair redress for injury under all heads. He is also awarded 30,000 French francs in costs.

DECISION:

For the above reasons,

1. The Tribunal sets aside the Secretary General's decisions of 19 August, 13 September 1991 and 19 March 1992 abolishing the complainant's post as head of the administrative group in Sub-division 2 of Division II of the General Secretariat and terminating his appointment.
2. The Organization shall pay him damages for injury under all heads equivalent to two years' gross pay, to be reckoned at the rate of his last full month's pay.
3. It shall pay him 30,000 French francs in costs.

In witness of this judgment Mr. José Maria Ruda, President of the Tribunal, Mr. Pierre Pescatore, Judge, and Mr. Michel Gentot, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 10 February 1993.

(Signed)

José Maria Ruda
P. Pescatore
Michel Gentot
A.B. Gardner