

FIRST ORDINARY SESSION

***In re* AVENOL**

Judgment No. 2

THE ADMINISTRATIVE TRIBUNAL,

Being seised of a Complaint dated 24 April 1946 by Mr. Joseph Avenol against the Pensions Fund,

I. ON THE REQUEST FOR POSTPONEMENT:

Whereas the representative of the Defendant justly argues that, as the League of Nations is ceasing its activity, it is not possible to postpone to a later session the cases in which it is concerned,

Whereas moreover the dispute is very simple and has been amply examined in the memoranda exchanged between the parties so that it can be immediately decided,

II. ON THE SUBSTANCE :

Whereas the Complainant alleges that the deductions made from his salary after the date on which the maximum amount of pension had become due to him were made without cause and should be repaid to him by the Pensions Fund,

Whereas this argument is obviously without substance,

And whereas the Complainant voluntarily took the decision to join the Pensions Fund and had full knowledge of its regulations which are unambiguous and not subject to interpretation,

And whereas when he continued actively to perform his duties, while being already entitled to the maximum amount of retirement pension, until his departure, he expressed no protest or reservation concerning the deductions which were still being made,

And whereas these deductions are perfectly explained by the fact that we have here mutual insurance the purpose of which is to assure to the whole staff pension rights considered to be satisfactory; and therefore the members necessarily agree to abandon the additional sums paid in by some in order to benefit others, all this within the clearly stated limits of the statutory regulations of the Pensions Fund;

ON THE GROUNDS AS AFORESAID:

The Tribunal,

Dismisses the Complaint,

Declares that the deposit remains forfeit to the League of Nations.

In witness of which judgment, pronounced in public sitting on 24 February 1947, by Mr. Eide, President, His Excellency Mr. Devèze, Vice-President, and Jonkheer van Rijckevorsel, Judge, the aforementioned have hereunto subscribed their signatures as well as myself, Wolf, ad hoc Assistant Registrar of the Tribunal.

(Signatures)

Albert Devèze

Vald. Eide

A. van Rijckevorsel

Francis Wolf

