

FIFTY-FIRST ORDINARY SESSION

In re SEHGAL (No. 2)

(Application for review)

Judgment No. 579

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment No. 531 filed by Mr. Sardari Lal Sehgal on 18 February 1983, the reply of the World Health Organization (WHO) of 8 April, the applicant's rejoinder of 21 July and the Organization's communication of 1 August 1983;

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written evidence;

CONSIDERATIONS:

1. The complainant appealed to the Tribunal against a decision made on 29 April 1981 by the Director-General of the WHO refusing him promotion to grade ND.5 but awarding him 2,500 Swiss francs as compensation for stress and expenses. On 22 January 1981 he had made a further appeal to the Regional Board of Inquiry and Appeal and on 18 June 1981 he was promoted to grade ND.5 with effect from 1 July 1980. On 18 November 1982 the Tribunal dismissed his complaint in Judgment No. 531 and the now seeks a review of that judgment.

2. According to its case law the Tribunal will not allow review on the grounds of an alleged mistake in appraisal of the facts, i.e. the interpretation which the Tribunal has put on the facts; nor is failure to admit evidence a valid reason for review. The grounds upon which the complainant seeks review, viz. the error of his being placed by the Selection Committee in category C, the failure of the Selection Committee to screen his case properly and the refusal of the Tribunal to summon witnesses whom the complainant did not call at the hearing by the Regional Board of Inquiry and Appeal, are not grounds for review.

DECISION:

For the above reasons,

The application for review is dismissed.

In witness of this judgment by Mr. André Grisel, President of the Tribunal, the Right Honourable Lord Devlin, Judge, and the Right Honourable Sir William Douglas, Deputy Judge, the aforementioned have hereunto subscribed their signatures as well as myself, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 20 December 1983.

André Grisel

Devlin

William Douglas

A.B. Gardner