

**SIXTY-FIFTH SESSION**

***In re* DA SILVA**

**Judgment 949**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr. Roger da Silva against the World Health Organization (WHO) on 15 June 1988 and corrected on 22 July 1988;

Considering Article II, paragraph 5, of the Statute of the Tribunal and Article 8, paragraph 3, of the Rules of Court;

Having examined the written evidence;

**CONSIDERATIONS:**

The complainant joined the WHO in 1970 as a technical assistant in the information branch of its Regional Office in Brazzaville, and he retired in December 1985.

On 31 December 1987 he wrote to the Tribunal to ask that "justice be done". The Registrar wrote back explaining the rules that govern the filing of a complaint with the Tribunal. The complainant then submitted an appeal to the headquarters Board of Inquiry and Appeal of the Organization. Its chairman replied that the Board was unable to entertain such an appeal.

He then lodged with the Tribunal through counsel a complaint seeking "recognition of his actual duties from the date of appointment in August 1970 and reinstatement at grade P.2 as from 31 August 1970" with payment of corresponding salary and allowances up to 1 August 1979, when he was promoted to that grade, and consequent revision of his retirement pension from 31 December 1985 to date and in the future.

The complaint is clearly irreceivable both because the complainant is not impugning any decision and because any time limit for appealing against the injury he alleges expired many years ago.

**DECISION:**

For the above reasons,

The complaint is dismissed.

In witness of this judgment by Mr. Jacques Ducoux, President of the Tribunal, Tun Mohamed Suffian, Vice-President, and Miss Mella Carroll, Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 8 December 1988.

(Signed)

Jacques Ducoux  
Mohamed Suffian  
Mella Carroll  
A.B. Gardner