

**SEVENTY-SIXTH SESSION**

***In re* DESENCLOS**

**Judgment 1318**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr. Lionel Desenclos against the International Labour Organisation (ILO), received by the Registry of the Tribunal on 17 April 1991 and corrected on 4 May 1993;

Considering Articles II, paragraph 4, and VII, paragraph 1, of the Statute of the Tribunal and Article 8, paragraph 3, of the Rules of Court;

Having examined the written evidence;

**CONSIDERATIONS:**

The complainant was under contract with the International Labour Organisation to provide "external collaboration" for a project in Haiti. He is objecting to the sums he was paid from 30 March 1987 to 31 March 1989.

Article VII(1) of the Tribunal's Statute stipulates that "A complaint shall not be receivable unless the decision impugned is a final decision and the person concerned has exhausted such other means of resisting it as are open to him under the applicable Staff Regulations".

This complaint does not impugn any final decision. The complainant acknowledges as much himself. Moreover, he fails to show either that he has submitted to the ILO any claim which it has neglected to answer or that he has made any attempt beforehand to settle the dispute out of court in accordance with clause 25 of his contract. His complaint is therefore clearly irreceivable, and the Tribunal dismisses it as such in accordance with the summary procedure provided for in Article 8(3) of the Rules of Court.

**DECISION:**

For the above reasons,

The complaint is dismissed.

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

Delivered in public in Geneva on 31 January 1994.

(Signed)

José Maria Ruda  
E. Razafindralambo  
Michel Gentot  
A.B. Gardner