

EIGHTY-FIRST SESSION

***In re* MORIER (No. 2)**

(Application for review)

Judgment 1507

THE ADMINISTRATIVE TRIBUNAL,

Considering the application filed by Mr. Roland Morier on 27 July 1995 for review of Judgment 1418;

Considering Articles II, paragraph 5, and VI of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS:

1. The complainant, who was born in 1952, obtained an appointment with the Universal Postal Union (UPU) in September 1991 as a computer expert at grade G.6. He was to be on proba-

tion for two years. On 9 June 1993 the Deputy Director-General sent him notice of dismissal as from 7 July 1993 and summarily relieved him of duty. The complainant asked for reconsidera-

tion but the Director-General upheld the decision by a letter of 15 July. On appeal the Director-General confirmed his decision on 11 October 1993. By Judgment 1418 of 1 February 1995 the Tribunal dismissed Mr. Morier's complaint challenging that decision. In the present application he seeks review of that judgment and his reinstatement in the Union.

2. According to consistent precedent the Tribunal will allow an application for review only in exceptional cases. Its judgments are, as Article VI of its Statute says, "final and without appeal" and carry the authority of *res judicata*. Admissible grounds for review are strictly limited: failure to take account of a material fact, an error of fact which involves no exercise of judgment, failure to rule on a claim, and the discovery of a new fact which the complainant was unable to rely on in the original proceedings. Moreover, the plea must be such as to affect the original ruling: see Judgment 1255 (*in re* Bansal and Harpalani Nos. 4) under 2. Inadmissible pleas for review are a mistake of law, failure to admit evidence, a wrong appraisal of the facts and failure to rule on pleas: see, for example, Judgment 442 (*in re* de Villegas No. 4), also under 2.

3. The gist of the complainant's challenge to the earlier judgment is implied: that it made a mistake of law due to misreading of the facts. His brief sets out in fine six objections to the judgment.

(1) It says wrongly that his work was undocumented, when there were many electronic data available.

(2) It says, again wrongly, that he did not see the Deputy Director-General.

(3) It is inconsistent in saying that his working after hours posed security problems, when he had been asked to do personal work for the Deputy Director-General.

(4) The Tribunal wrongly accepted another official's statements that the Director-General had been threatened.

(5) It accepted spiteful misstatements about him, such as the charge of sabotage of an obsolete network.

(6) The other official was, because of past behaviour, an unreliable witness.

He thereby pleads mistakes of law or in the appraisal of the evidence, which, as was said in 2 above, afford no grounds for review. Since the application is clearly irreceivable it is summarily dismissed under Article 7 of the Tribunal's Rules.

DECISION:

For the above reasons,

The application is dismissed.

In witness of this judgment Mr. Michel Gentot, Vice-President of the Tribunal, Miss Mella Carroll, Judge, and Mr. Jean-François Egli, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 11 July 1996.

(Signed)

Michel Gentot
Mella Carroll
Egli
A.B. Gardner