

## **EIGHTY-NINTH SESSION**

***In re Palma (Nos. 12, 13 and 16)***

**Judgment No. 2001**

The Administrative Tribunal,

Considering the twelfth, thirteenth and sixteenth complaints filed by Mr Francesco Palma against the European Southern Observatory (ESO) on 22 August, 27 August, and 12 October 1998, respectively;

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

Having examined the written submissions;

### **CONSIDERATIONS**

1. The complainant is a former staff member of the ESO whose situation has been addressed in several earlier judgments. He has now filed three new complaints challenging, respectively:

- the implied decision of the Director General of the Observatory to reject a request submitted on 6 April 1998 by the complainant for "review" of a decision of 26 January 1995 refusing to renew his contract;
- the implied rejection of a request of 7 April 1998 for review of a decision of 13 June 1995 whereby the Director General rejected an appeal filed on 31 May 1995 and declared the matter closed;
- the implied rejection of a request of 26 May 1998 recalling a previous claim to redress for injury - estimated at 15 million United States dollars - allegedly sustained in 1995 and asking the Tribunal to send the matter back to the ESO Council.

2. The Tribunal will join the three complaints. The first two are clearly irreceivable because his requests of 6 and 7 April 1998 to the Observatory challenged the lawfulness of the individual decisions of 26 January and 13 June 1995 to reject his claims and were therefore not filed within the time limit for appeal. The implied decisions he is challenging therefore merely confirm the earlier rejections. The third complaint is also irreceivable because it claims redress for injury allegedly sustained in 1995 and because the complainant fails to show either its existence or its nature.

So the Tribunal cannot but dismiss the complaints in accordance with the summary procedure provided for by Article 7 of its Rules.

### **DECISION**

For the above reasons,

The complaints are dismissed.

In witness of this judgment, adopted on 10 May 2000, Mr Michel Gentot, President of the Tribunal, Miss Mella Carroll, Vice-President, and Mr James K. Hugessen, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 12 July 2000.

*(Signed)*

Michel Gentot

Mella Carroll

James K. Hugessen

Catherine Comtet

Updated by PFR. Approved by CC. Last update: 25 July 2000.