

NINETY-SECOND SESSION

***In re* Palma (No. 3)
(Application for review)**

Judgment No. 2117

The Administrative Tribunal,

Considering the second application for review of Judgment 1665 filed by Mr Francesco Palma on 9 August 2000;

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

Having examined the written submissions;

CONSIDERATIONS

1. In Judgment 1665 delivered on 10 July 1997 the Administrative Tribunal dismissed a complaint filed by Mr Palma, a former employee of the European Southern Observatory (ESO), against a decision by the Governing Board of the Pension Fund of the European Organization for Nuclear Research (CERN). He has filed a second application for review of that judgment alleging a mistake and asking to have it corrected. He nonetheless acknowledges that to quash the whole of paragraph 10, or a particular sentence of the judgment, would not affect "the substantial correctness of the decision of the CERN and of the decision of the Tribunal [which he] accept[s]".

2. As is plain from the terms used by the complainant, he is challenging not the operative part of the judgment, but one of the Tribunal's findings in its discussion of the pleadings.

That being so, his application for review is clearly irreceivable, as was his earlier application for review of the same judgment which the Tribunal dismissed in Judgment 1998 delivered on 12 July 2000. It is therefore dismissed in accordance with the summary procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,

The application is dismissed.

In witness of this judgment, adopted on 12 November 2001, 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 30 January 2002.

(Signed)

Michel Gentot

Mella Carroll

James K. Hugessen

Catherine Comtet

Updated by PFR. Approved by CC. Last update: 15 February 2002.