

NINETY-FIFTH SESSION

Judgment No. 2266

The Administrative Tribunal,

Considering the complaint filed by Mr P. K. on 20 July 2002 against the International Atomic Energy Agency (IAEA);

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

Having examined the written submissions;

CONSIDERATIONS

1. The complainant, an official of the IAEA, asks the Tribunal to quash a decision of 9 August 2001, taken by the Agency's acting Director General, which rejected the complainant's request for review of an earlier decision refusing to recognise that the eye problem from which he suffers was service-incurred. He asserts that it was because a suitcase containing scientific equipment had fallen and struck his left eye, while he was travelling by train on an official mission in China, that his eye problem had appeared and that his eyesight had been impaired.

2. In the decision dated 9 August 2001, the complainant had been informed that he could appeal directly to the Tribunal. However, the decision could be challenged only in accordance with the provisions of the Statute and Rules of the Tribunal. Article VII, paragraph 2, of the Statute states that:

"To be receivable, a complaint must also have been filed within ninety days after the complainant was notified of the decision impugned [...]."

The complaint, filed with the Registry of the Tribunal on 20 July 2002, is therefore time-barred and hence irreceivable. The complainant says that his complaint was filed late because he had not been advised of the time limits for filing and that he had obtained an affidavit from a witness to the above incident only in March 2002. Such considerations are not sufficient, however, to render a complaint submitted almost a year after the impugned decision receivable.

3. Since the complaint is clearly irreceivable, the Tribunal dismisses it in accordance with the summary procedure provided for in Article 7 of its Rules.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 16 May 2003, Mr Michel Gentot, President of the Tribunal, Mr James K.

Hugessen, Vice-President, and Mrs Mary G. Gaudron, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 16 July 2003.

(Signed)

Michel Gentot

James K. Hugessen

Mary G. Gaudron

Catherine Comtet

Updated by PFR. Approved by CC. Last update: 23 July 2003.