

**FIRST ORDINARY SESSION**

***In re* PERRASSE**

**Judgment No. 3**

THE ADMINISTRATIVE TRIBUNAL,

Being seised of a Complaint dated 18 July 1946 by Mrs. Marie Perrasse against the Secretariat of the League of Nations requesting the Tribunal to order the Defendant to pay to the Complainant various sums which she alleges are due to her because of the manner in which she was treated during her service with the Secretariat from 1922 to 1934 and in particular because of the fact that she was not admitted as a member of the Pensions Fund;

ON RECEIVABILITY:

Whereas by two letters of 28 June 1943 addressed to the Acting Secretary-General and to the Director of Personnel and Internal Administration the Complainant requested that she be granted a pension to which she claimed to be entitled because of the termination of her last contract expiring in 1934;

And whereas this request was rejected by a letter dated 7 July 1943 from the Director of Personnel in the following terms:

I acknowledge receipt of your two letters of 28 June addressed to the Acting Secretary-General and to myself.

In order to avoid any misunderstanding concerning the conditions in which you left the Secretariat, I am obliged to reaffirm that all the clauses of your contract as well as all the clauses of the Staff Regulations dealing with the suppression of posts and all the clauses of the Statute of the Staff Provident Fund have been fully complied with. As a result, the rights which you possessed as an official of the Secretariat of the League of Nations are exhausted...;

And whereas by two letters of 10 and 12 April 1946 addressed to the President of the last Assembly, the Complainant expressed the wish to receive compensation because of her departure from the Secretariat in 1934;

And whereas by a letter of 24 April 1946 the Director informed the Complainant that no action could be taken to meet her request and that the League of Nations could only stand by the communication addressed to her on 7 July 1943;

And whereas it is against this last decision that Mrs. Perrasse has formally made her Complaint;

Whereas the reply of 24 April 1946 only confirmed the decision notified on 7 July 1943;

And whereas, in conformity with the jurisprudence of the Tribunal, the date of the confirmation of a final decision cannot be the beginning of a new time-limit;

And whereas it appears from the terms of the letter of 7 July 1943 that the decision made at that time was final;

And whereas moreover the requests made by the Complainant rest on three clearly defined bases:

(1) The fact that she was engaged as a locally-recruited official, while she maintains that she had the right to be engaged as a non-locally-recruited official;

(2) The fact that she was engaged as a copy-typist while she performed the functions of shorthand-typist during her service;

(3) The fact that she was not admitted to membership of the Pensions Fund;

Whereas the first of these claims should normally have been made at the time of her appointment;

And whereas the second should have been made at the latest at the time when the Complainant left the service of the League of Nations and the third was finally rejected at the latest on 7 July 1943, as has been established above,

Whereas therefore, however worthy of interest the material and moral situation of the Complainant may appear to be, the Tribunal cannot within the limits of its powers as determined by Article VII of its Statute declare the Complaint to be receivable;

ON THE GROUNDS AS AFORESAID:

The Tribunal,

Declares that the Complaint is not receivable,

Orders nevertheless the refund to the Complainant of the deposit made by her in accordance with Article VIII of the Statute of the Tribunal.

In witness of which judgment, pronounced in public sitting on 26 February 1947, by Mr. Eide, President, His Excellency Mr. Devèze, Vice-President, and Jonkheer van Rijckevorsel, Judge, the aforementioned have hereunto subscribed their signatures as well as myself, Wolf, ad hoc Assistant Registrar of the Tribunal.

(Signatures)

Albert Devèze

Vald. Eide

A. van Rijckevorsel

Francis Wolf