

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

P. (No. 8)

v.

WHO

(Application for review)

120th Session

Judgment No. 3472

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 3380 filed by Mr D. C. P. on 1 September 2014;

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

Having examined the written submissions;

CONSIDERATIONS

1. This is an application for review of Judgment 3380. The complainant claims that in the Judgment the Tribunal failed to adjudicate on allegations he made in relation to a selection process he had contested and on WHO's failure to refute or rebut certain allegations he had made in relation to the same process aimed at showing personal bias against him. He also appears to take issue with the Tribunal's decision not to award moral damages for delay in the internal appeal proceedings.

2. It is well established that the Tribunal's judgments are final and may only be reviewed in exceptional circumstances and on the grounds of "failure to take account of particular facts, a mistaken finding

of fact that involves no exercise of judgement, omission to rule on a claim and the discovery of some new facts which the complainant was unable to invoke in time in the [earlier] proceedings” (see Judgment 1952, under 3). Additionally, “[t]he ground on which [the] review is sought must be one that would have led to a different result in the earlier proceedings” (see Judgment 3000, under 2).

3. It is observed that at consideration 10 of the Judgment under review, the Tribunal held that the complainant’s allegations of bias were unsupported by any evidence and did not permit any reasonable inference of bias to be drawn. Additionally, under consideration 11, the Tribunal upheld the Director-General’s determination that all of the claims arising from the selection process had been overtaken by the setting aside of the selection decision and required no further consideration. Also, at consideration 11, the Tribunal observed that the complainant had already been compensated for undue delay in the internal proceedings.

4. The grounds for review advanced by the complainant are simply an attempt to relitigate matters that have already been decided and do not come within the well settled grounds for review set out above. It follows that the application for review will be summarily dismissed in accordance with the procedure provided for in Article 7 of the Tribunal’s Rules.

DECISION

For the above reasons,

The application for review is dismissed.

In witness of this judgment, adopted on 22 May 2015, Mr Giuseppe Barbagallo, President of the Tribunal, Ms Dolores M. Hansen, Judge, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 30 June 2015.

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

HUGH A. RAWLINS

DRAŽEN PETROVIĆ