

FORTY-FIRST ORDINARY SESSION

***In re* VERDRAGER (No. 2)**

(Application for review of Judgment No. 325 in re Verdrager)

Judgment No. 350

THE ADMINISTRATIVE TRIBUNAL,

Considering the application filed by Mr. Jacques Verdrager on 16 January 1978 for revision of Judgment No. 325 of 21 November 1977 in the case of Verdrager versus the World Health Organization (WHO), the WHO's reply of 20 March 1978, the complainant's rejoinder of 27 March, and the WHO's written statement of 2 May 1978 that it did not wish to file a surrejoinder;

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the documents in the dossier;

CONSIDERATIONS:

Neither the Statute nor the Rules of Court permit an application for review of a judgment of the Administrative Tribunal. The Tribunal may therefore declare such an application receivable only in quite exceptional circumstances, for example when new facts of decisive importance have come to light since the date of the judgment.

In support of his application for review the complainant contends that in dismissing his complaint in its judgment of 21 November 1977 the Administrative Tribunal assumed that the WHO post in Sri Lanka was graded P.5 whereas in fact it was graded P.4.

The parties discussed the grading of the WHO post in Sri Lanka in the written proceedings before the judgment was given. In raising the matter again the complainant does not adduce any new fact which makes his application receivable. Moreover, even supposing that the Tribunal had committed a material error - and it did not - that error would have had no effect on the judgment. Thus even if the application is regarded as an application for correction of a material error it is still irreceivable.

Secondly, the complainant contends that, contrary to the view taken by the Tribunal in its judgment, there was no urgent need to fill the post in Bangladesh at the time. In other words, he is merely raising once again a matter which, having been settled by the decision of 21 November 1977, in res judicata. Again his application is irreceivable.

DECISIONS:

For the above reasons,

The complaint is dismissed.

In witness of this judgment by Mr. Maxime Letourneur, President, Mr. André Grisel, Vice- President, and the Right Honourable Lord Devlin, P.C., Judge, the aforementioned have

hereunto subscribed their signatures as well as myself, Morellet, Registrar of the Tribunal.

Delivered in public sitting in Geneva on 13 November 1978.

(Signed)

M. Letourneur
André Grisel
Devlin

Roland Morellet

Updated by PFR. Approved by CC. Last update: 7 July 2000.