

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

E.
v.
FAO

123rd Session

Judgment No. 3798

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr J. O. E. against the Food and Agriculture Organization of the United Nations (FAO) on 3 March 2016;

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 filed a complaint impugning the Director-General's final decision dismissing his appeal against the decision not to extend his contract.

2. The complainant indicated in the complaint form that he received the impugned decision on 3 December 2015. As the postmark on his submission was not entirely clear, the Registrar requested and received from the complainant a copy of the dispatch bill which clearly indicated 3 March 2016 as the date of the dispatch. He therefore filed his complaint with the Tribunal on 3 March 2016. Furthermore, 3 March 2016 is the date on which the complainant signed his complaint form

and therefore the earliest date on which his complaint could have been sent to the Tribunal.

3. Article VII, paragraph 2, of the Tribunal's Statute provides that "[t]o be receivable, a complaint must [...] have been filed within ninety days after the complainant was notified of the decision impugned". It is not within the competence of the Tribunal to extend this period of time set forth by the Statute. The ninety-day period begins to run on the day following the date of notification of the impugned decision. Where the ninetieth day falls on a public holiday, the period is extended until the next business day (see Judgments 2250, under 8, and 3630, under 3).

4. In this case, the ninety-day period provided for in Article VII, paragraph 2, of the Statute ended on 2 March 2016, which was a Tuesday. Accordingly, the complaint filed on 3 March 2016 is time-barred and clearly irreceivable and must therefore be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 18 October 2016, Mr Claude Rouiller, President of the Tribunal, Mr Giuseppe Barbagallo, Vice-President, and Ms Dolores M. Hansen, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 8 February 2017.

CLAUDE ROUILLER

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

DRAŽEN PETROVIĆ