

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

*Registry's translation,  
the French text alone  
being authoritative.*

**116th Session**

**Judgment No. 3304**

THE ADMINISTRATIVE TRIBUNAL,

Considering the first and second complaints filed by Mr S. N.  
against the World Health Organization (WHO) on 19 October 2012;

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 complaints shall be joined because they both seek the setting aside of the same final decision of 18 April 2012 by which the Director-General of WHO dismissed the complainant's claim for compensation for the injury allegedly caused by the Organization's failure to honour its obligation to conduct a medical examination when his appointment was terminated and by its displaying of his photograph in the offices of its security staff without his authorisation, *inter alia*.

2. Article VII, paragraph 2, of the Statute of the Tribunal provides that, to be receivable, a complaint must have been filed within ninety days after the complainant was notified of the decision

impugned. This time limit is an objective matter of fact and the Tribunal will not entertain a complaint filed after it has expired. Any other conclusion, even if founded on considerations of equity, would impair the necessary stability of the parties' legal relations, which is the very justification for the time bar.

3. The complaints filed at the Registry of the Tribunal on 19 October 2012 seek the setting aside of the decision dated 18 April 2012. Although the complainant asserts that he received it on 20 July 2012, he offers no proof of this. The complaints are therefore out of time and, for that reason, manifestly irreceivable, since the complainant does not say that he was prevented by *vis major* from learning of the impugned decision in good time, or that he was unlawfully deprived of the possibility of exercising his right of appeal within the specified time limit.

4. It follows that the Tribunal cannot but dismiss both complaints in accordance with the summary procedure provided for in Article 7 of its Rules.

#### DECISION

For the above reasons,  
The complaints are dismissed.

In witness of this judgment, adopted on 14 November 2013, Mr Claude Rouiller, Vice-President of the Tribunal, Mr Seydou Ba, Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 5 February 2014.

Claude Rouiller  
Seydou Ba  
Patrick Frydman  
Catherine Comtet