

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

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

**116th Session**

**Judgment No. 3305**

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 2913 filed by Mr S. M.-S. on 21 February 2011;

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

Having examined the written submissions;

#### CONSIDERATIONS

1. The complainant requests the review of Judgment 2913, delivered on 8 July 2010, by which the Tribunal dismissed the complaint which he had filed on 19 November 2008.

2. He considers that the above-mentioned judgment can be impugned, because it underestimated the discriminatory, disproportionate aspect of the disciplinary measure imposed on him by the Administration of WHO, namely his reassignment with a reduction in grade.

3. The Tribunal draws attention to the fact that, according to a consistent line of precedent, pursuant to Article VI of its Statute, its

judgments are “final and without appeal” and carry the authority of *res judicata*. They may therefore be reviewed only in exceptional circumstances and on strictly limited grounds. The only admissible grounds for review are failure to take account of material facts, a material error involving no exercise of judgement, an omission to rule on a claim, or the discovery of new facts on which the complainant was unable to rely in the original proceedings. Moreover, these pleas must be likely to have a bearing on the outcome of the case. Pleas of mistake of law, failure to admit evidence, misinterpretation of the facts or omission to rule on a plea, on the other hand, afford no grounds for review (see Judgments 1178, 1507, 2059, 2158, 2736 and 3001).

4. In the instant case, as stated in consideration 2 above, the complainant merely submits that, in the impugned judgment, the Tribunal underestimated the discriminatory, disproportionate nature of the disciplinary measure. The Tribunal has, however, already dealt with this argument in finding that the disciplinary measure was justified and in proportion with the complainant’s misconduct.

5. In view of the foregoing, the application for review must be dismissed in accordance with the summary procedure provided for in Article 7 of the Rules of the Tribunal.

#### DECISION

For the above reasons,  
The application is dismissed.

In witness of this judgment, adopted on 13 November 2013, Mr Giuseppe Barbagallo, 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.

Giuseppe Barbagallo  
Seydou Ba  
Patrick Frydman  
Catherine Comtet