

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

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

119th Session

Judgment No. 3467

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr T. Z. against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 20 December 2013;

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 is a former staff member of UNESCO who retired on 31 December 2007. On 26 November 2007 he was informed that under Staff Rules 107.9 and 107.10 he was entitled to have transported at the Organization's expense a certain quantity of personal effects and/or household goods to his recognized home in the twelve months following his separation. UNESCO granted him several extensions of this time limit, the last of which expired on 31 December 2010. He forwarded a number of cost estimates to the Administration during December 2010, but the removal could not be carried out before 31 December 2010.

On 20 January 2012 he was informed that his entitlement to the transportation of his personal effects and/or household goods had expired on 31 December 2010, that his removal should have been "carried out and completed" before that date and that no further extension of the time limit could be granted.

On 21 February 2012, the complainant referred the matter to a mediator in order to reach an amicable settlement of the dispute. On 22 January 2013 he was informed that this mediation had failed.

2. According to Article VII, paragraph 2, of the Statute of the Tribunal, 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 a time bar (see Judgment 2821, under 8, and the case law cited therein).

3. The complaint, which was filed with the Registry of the Tribunal on 20 December 2013, seeks the setting aside of the decision of 20 January 2012. The Tribunal must find that the complaint is out of time and therefore clearly irreceivable, since the complainant does not contend that he was prevented by *vis major* from learning of the disputed decision in good time, or that he was unlawfully deprived of the possibility of exercising his right of appeal within the specified time limit by actions attributable to the Organization.

4. The Tribunal must therefore dismiss the complaint in accordance with the summary procedure provided for in Article 7 of its Rules.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 14 November 2014,
Mr Claude Rouiller, Vice-President of the Tribunal, Mr Seydou Ba,

Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 11 February 2015.

(Signed)

CLAUDE ROUILLER

SEYDOU BA

PATRICK FRYDMAN

DRAŽEN PETROVIĆ