

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

A.
v.
WHO

125th Session

Judgment No. 3973

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr M. A. A. against the World Health Organization (WHO) on 27 September 2017;

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, who was dismissed for misconduct, filed a complaint impugning the Director General's final decision endorsing the Global Board of Appeal's recommendation to dismiss his appeal.

2. The complainant indicates in the complaint form that he received the impugned decision on 10 May 2017. He filed his complaint with the Tribunal on 27 September 2017.

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.

4. In this case, the ninety-day period provided for in Article VII, paragraph 2, of the Statute ended on 8 August 2017. Accordingly, the complaint filed on 27 September 2017 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 10 November 2017, Mr Giuseppe Barbagallo, President of the Tribunal, Ms Dolores M. Hansen, Judge, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 24 January 2018.

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

HUGH A. RAWLINS

DRAŽEN PETROVIĆ