

FIFTIETH ORDINARY SESSION

In re LEGER (No. 2)

Judgment No. 554

(Application for review)

THE ADMINISTRATIVE TRIBUNAL,

Considering the application filed by Mr. Adrien Léger on 16 July 1982 for review of Judgment No. 486, the reply filed by the Pan American Health Organization (PAHO) (World Health Organization) on 12 October, the complainant's rejoinder of 30 November 1982 and the PAHO's surrejoinder of 17 January 1983:

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written evidence;

CONSIDERATIONS:

As stated by the Tribunal in paragraph 7 of the considerations in Judgment No. 486, the question for its decision was whether it was within its competence to enforce a rule of policy or practice. The Tribunal found that there was such a rule, but that since it conflicted with a staff rule, it did not create an obligation which the Tribunal was competent to enforce. In finding that there was such a rule, the Tribunal observed that, though there was ample evidence of the stated policy, there was evidence in the dossier of only one case in which it had been put into practice. The complainant now wishes to adduce evidence of other cases. He argues that there is a "clear indication" in the judgment that had the Tribunal been aware of the other cases, it might have reached a different conclusion. There is no such indication. On the contrary it is manifest from the judgment that the rule of policy or practice, by whatever evidence its existence was proved, was in this case unenforceable.

DECISION:

For the above reasons,

The application for review is dismissed.

In witness of this judgment by Mr. André Grisel, President, Mr. Jacques Ducoux, Vice-President, and the Right Honourable Lord Devlin, P.C., Judge, the aforementioned have hereunto subscribed their signatures as well as myself, Allan Gardner, Registrar of the Tribunal.

Delivered in public sitting in Geneva on 30 March 1983.

André Grisel

Jacques Ducoux

Devlin

A.B. Gardner