

FIFTY-FIRST ORDINARY SESSION

In re AYYANGAR (No. 2)

(Application for review)

Judgment No. 578

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment No. 529 filed by Mr. Seshadri Ayyangar on 16 February 1983, the reply of the World Health Organization (WHO) of 8 April, the applicant's rejoinder of 9 May and the Organization's surrejoinder of 19 May 1983;

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

Having examined the written evidence;

CONSIDERATIONS:

1. On 19 December 1979 the complainant applied for the reclassification of his post from grade ND.7 to P.2. On 21 July 1981 he was informed that the Director-General had approved his promotion to grade ND.X with retroactive effect from 1 June 1980. He appealed to the Tribunal and claimed reclassification of his post and promotion to grade P.2; the retroactive dating of the reclassification from January 1975; an award of 1,000 United States dollars in costs; and payment of the difference between his actual remuneration and remuneration at grade P.2 from January 1975 up to the date of reclassification at P.2 as compensation for the material and moral prejudice sustained. By its Judgment No. 529 the Tribunal dismissed his complaint.

2. The complainant seeks review of Judgment No. 529 of the ground *inter alia* that the judgment overlooks the question of the effective date of promotion. There was no such oversight. The complainant claimed reclassification of his post to grade P.2. That claim having failed, the claim for the retroactive dating of the only reclassification he was seeking had, of necessity, to fail, and so did the claim for the payment of the difference between his actual remuneration and remuneration at P.2 from January 1975 up to the date of reclassification at P.2. Except for the claim for costs there were no other claims before the Tribunal.

3. The other grounds upon which review is sought, *viz.*, the omission to take account of particular facts and the discovery of a new fact, are entirely without merit. In the former the complainant merely repeats arguments which he had put forward in his original complaint. In the latter he states that he has just learned that his request for reclassification was not considered by a reclassification committee either at regional level or at headquarters. There was no regional reclassification committee when his request was made on 19 December 1979 and the Manual provisions he cites in relation to the Headquarters Standing Committee on the Reclassification of Posts do not apply in his case.

DECISION:

For the above reasons,

The application for review is dismissed.

In witness of this judgment by Mr. André Grisel, President of the Tribunal, the Right Honourable Lord Devlin, Judge, and the Right Honourable Sir William Douglas, Deputy Judge, the aforementioned have hereunto subscribed their signatures as well as myself, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 20 December 1983.

André Grisel

Devlin

William Douglas

A.B. Gardner

Updated by PFR. Approved by CC. Last update: 7 July 2000.