

SIXTY-SIXTH SESSION

In re GLENDINNING (No. 2)

(Application for review)

Judgment 979

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment No. 886 filed by Mr. David Glendinning on 17 August 1988, the reply of the European Patent Organisation (EPO) of 28 October, the applicant's rejoinder of 19 December 1988 and the EPO's surrejoinder of 20 March 1989;

Considering Articles II, paragraph 5, and VI, paragraph 1, of the Statute of the Tribunal;

Having examined the written evidence;

CONSIDERATIONS:

1. The complainant seeks review of Judgment 886, which the Tribunal delivered on 30 June 1988, and relief by way of orders directing the President of the EPO to recalculate his starting step and seniority in grade A3 at step 10 and 9 months instead of step 8 and 21 months and awarding payment to him of additional basic salary and allowances and interest thereon from 15 April 1985 and of 6,000 Deutschmarks in "compensation for lost time in handling this appeal".
2. According to its case law the Tribunal under-takes review of its judgments only in quite exceptional circumstances. That follows from the nature of its decisions, which according to Article VI(1) of its Statute are final and without appeal, and from the *res judicata* principle.
3. The ground the complainant advances for review is that Judgment 886 is outside the jurisdiction of the Tribunal and therefore null and void. He argues that the Tribunal's jurisdiction is not unlimited and may be exercised only on condition that the Tribunal upholds the observance of the EPO's Service Regulations and rules in accordance with those Regulations.
4. Apart from being based on a misconception of the reasoning underlying Judgment 886, his application merely alleges misinterpretation of the EPO's Service Regulations and guidelines. That is an assertion of error of law which, according to the long-established case law, does not constitute valid grounds for review. His application therefore fails. So do his other claims, all of them being contingent on the reversal of Judgment 886, which is adequately reasoned.

DECISION:

For the above reasons,

The application is dismissed.

In witness of this judgment by Mr. Jacques Ducoux, President of the Tribunal, Miss Mella Carroll, Judge, and the Right Honourable Sir William Douglas, Deputy Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 27 June 1989.

Jacques Ducoux
Mella Carroll
William Douglas
A.B. Gardner

