

**LEAGUE OF NATIONS ADMINISTRATIVE TRIBUNAL**

**ORDINARY SESSION OF AUGUST 1939  
HEARING OF 4 AUGUST 1939**

***In re* HILLIAR**

**Judgment No. 20**

THE LEAGUE OF NATIONS ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed on 4 April 1939 by Miss F.E. Hilliar against the International Labour Office;

The suit is based:

- (1) on the claim that the employment contract, which had existed for 18 years between the complainant and the International Labour Office, should continue until its normal date of expiry,
- (2) on the right to damages deriving from the promise made to the complainant of a temporary appointment as from the termination of the above-mentioned employment contract.

**I**

On 4 November 1938 the complainant notified her wish to resign from her duties, subject to six months' notice in accordance with the express provisions of the Staff Regulations.

She also expressed the wish to shorten this period of notice to four months.

The International Labour Office did not have to express its agreement to a resignation which complied with the terms of the employment contract, but it would obviously have been desirable for it to have responded without delay to the request for a shorter period of notice which accompanied the resignation.

Strictly speaking, in law the resignation was final and unconditional; its withdrawal thereafter, even if formally notified, was therefore inoperative.

Moreover, by her letter of 15 December 1938 and her acceptance of a capital sum in lieu of a pension (4 January 1939), the complainant definitively confirmed her resignation.

The employment contract is therefore terminated.

**II**

In support of her request for compensation the complainant relies:

- (1) on the fact that the normal period of notice was six months as from the resignation;
- (2) on the fact that the absence of a reply from the International Labour Office injured her by causing her to forfeit the definite prospect of employment in the private sector which had prompted her resignation;
- (3) on the fact that she had forgone any challenge only because she had been promised a temporary appointment after the principal appointment which had been terminated.

The items of evidence produced in support of submissions (2) and (3) are inconclusive, but the International Labour Office, in a spirit of equity, offers to pay the complainant an ex gratia allowance in an amount equal to three months' emoluments.

For the above reasons,

The Tribunal

Finds the claims to be groundless;

Takes formal note of the International Labour Office's offer to pay the complainant an ex gratia allowance in an amount equal to three months' emoluments;

Invites the Office, if necessary, to give effect to this offer;

And finds that there are grounds for refunding to the complainant the deposit made in respect of the proceedings.

In witness of which judgment, pronounced in public sitting on 4 August 1939 by His Excellency Mr. Albert Devèze, President, and Jonkheer van Ryckevorsel and Mr. Eide, Judges, the aforementioned have hereunto subscribed their signatures, as well as myself, Nisot, Registrar of the Tribunal.

(Signatures)

Devèze  
van Ryckevorsel  
Eide  
Nisot

Certified copy,

The Registrar of the Administrative Tribunal.