

SEVENTEENTH ORDINARY SESSION

***In re* JURADO**

(No. 10 Amendments to the Staff Regulations)

Judgment No. 103

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the International Labour Organisation drawn up by Mr. Cesáreo Jurado on 23 December 1965 and the reply of the Organisation of 28 April 1966;

Considering Article II of the Statute of the Tribunal;

Having examined the documents in the dossier, the oral proceedings requested by complainant having been disallowed;

Considering that the material facts of the case are as follows:

A. On 15 November 1965, at its 163rd Session, the Governing Body of the International Labour Office approved various amendments to Article 8.3 and Annex II of the I.L.O. Staff Regulations, which deal with compensation in the event of illness, injury or death attributable to the performance of official duties. These amendments were due to become effective on 1 December 1965 and were notified to all officials by General Instruction No. 296 of 22 November 1965.

B. Complainant seeks to resist the decision amending Article 8.3 and Annex II of the Staff Regulations, alleging that it is injurious to the national feelings and rights of officials, in violation of Article 1.2 of the Staff Regulations, prejudices acquired rights, in violation of Article 4.8, and constitutes treatment incompatible with the terms of his contract of employment in violation of Article 13.1, on the ground that some of the amendments in question allegedly constitute unwarranted and illegal interference in the private life of officials. The submissions before the Tribunal are framed in the following terms:

"That it please the Tribunal

As to Form:

To declare receivable the present complaint and its annexes against the administrative decision of the I.L.O. contained in General Instruction No. 296 of 22 November 1965.

As to Substance:

1. To find that the administrative decision amending Article 8.3 and Annex II of the Staff Regulations, approved by the Governing Body at its 163rd Session, with effect from 1 December 1963 (sic) and promulgated by I.L.O. General Instruction No. 296 of 22 November 1965, is in violation of Articles 1.2, 4.8 and 13.1 of the Staff Regulations and constitutes serious and illegal interference in the private life of officials and their legitimate heirs.
2. To order the rescinding of the aforementioned decision and its redrafting in conformity with existing regulations.
3. Subsidiarily, in the event of the I.L.O.'s refusal to rescind the decision which has been held to be illegal, to order the I.L.O. to pay the complainant 1 million Swiss francs as compensation.
4. To order the I.L.O. further to pay complainant compensation assessed ex aequo et bono on account of the injury suffered by him as a result of the illegal administrative decision which has entailed the work involved in preparing and drafting the present complaint.

5. To order the I.L.O. to pay 200 francs representing copying and miscellaneous costs."

C. The Organisation submits that the complaint is not receivable because the complainant does not allege a personal interest, and subsidiarily that the complaint be rejected as ill-founded.

CONSIDERATIONS:

Mr. Jurado confines himself to praying for the quashing of General Instruction No. 296 issued by the I.L.O. on 22 November 1965, making various amendments to the Staff Regulations, without adducing any decision applying any one of these amendments to his particular case. Thus he does not allege non-compliance with any of the terms of his contract of employment, nor, in general, any violation of his official status.

It follows that the Administrative Tribunal is not competent to hear this complaint.

DECISION:

For the above reasons,

The complaint of Mr. Jurado is dismissed, for want of jurisdiction.

In witness of this judgment, delivered in public sitting in Geneva on 9 May 1967 by Mr. Maxime Letourneur, President, Mr. André Grisel, Vice-President, and the Right Honourable Lord Devlin, P.C., Judge, the aforementioned have hereunto subscribed their signatures, as well as myself, Lemoine, Registrar of the Tribunal.

(Signed)

M. Letourneur
André Grisel
Devlin
Jacques Lemoine