

EIGHTY-FIRST SESSION

In re EL MAHJOUB (No. 5)

Judgment 1503

(Application for review)

THE ADMINISTRATIVE TRIBUNAL,

Considering the application filed by Mr. Mohamed El Mahjoub on 28 August 1995 for review of Judgment 1429;

Considering Article II, paragraph 1, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS:

1. This is an application for review of Judgment 1429 of 6 July 1995, which dismissed Mr. El Mahjoub's fourth complaint. In that complaint he had claimed from the International Labour Organization (ILO) compensation for an injury which he attributed to two accidents which he said occurred on the ILO's premises during working hours, one on 23 July and the other on 23 October 1991. The Tribunal held the complaint to be irreceivable in that he had not complied with the time limits laid down for internal appeal.
2. He now contends that the Tribunal ignored the correspondence between him and the secretary of the ILO's Compensation Committee and contradictions between a letter from the secretary and the Organization's pleadings. He repeats his argument that the Compensation Committee was "illegal" and therefore the Director-General's decision was too. He submits that the ruling that his complaint was irreceivable was "unfair and unjustifiable" and that the statement in the judgment that his appointment ended on 31 December 1991 is "not correct".
3. The Tribunal has often stated the strictly limited grounds on which its judgments may be reviewed. Examples are Judgments 442 (in re de Villegas No. 4) and 950 (in re Loroch No. 6).
4. What the complainant alleges is mistakes of law or in the appraisal of the facts: according to the case law neither constitutes an admissible plea for review. As Judgment 1429 said under 6, the refusal by the Director-General to meet his claim to compensation was notified to him in a letter of 28 May 1993. A letter of 18 August 1993 from the secretary of the Compensation Committee told him of his right to have a medical board appointed. He took no action until 28 February 1994, when he filed a "complaint" under Article 13.2 of the Staff Regulations. By then he was out of time.
5. As for the date at which his appointment ended, he was offered an extension, but the offer was conditional on his taking up a post at Tunis. When he refused to do so the offer lapsed and his appointment accordingly ended at the date of expiry, 31 December 1991. Besides, the matter is irrelevant to the issues ruled on in Judgment 1429.
6. Since the application is clearly irreceivable it must be summarily dismissed in accordance with Article 7 of the Tribunal's Rules.

DECISION:

For the above reasons,

The application is dismissed.

In witness of this judgment Sir William Douglas, President of the Tribunal, Miss Mella Carroll, Judge, and Mr. Julio Barberis, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 11 July 1996.

William Douglas

Mella Carroll
Julio Barberis
A.B. Gardner

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