

EIGHTY-FIRST SESSION

***In re* BOUVRY (No. 2)**

Judgment 1512

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr. Gilbert Bouvry against the European Organization for Nuclear Research (CERN) on 1 June 1993 and corrected on 31 March 1995, CERN's reply of 19 July 1995, the complainant's rejoinder of 8 December 1995 and the Organization's surrejoinder of 20 March 1996;

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

Having examined the written submissions and decided not to order hearings, which neither party has applied for;

Considering that the facts of the case and the pleadings may be summed up as follows:

A. Facts relevant to this case appear under A in Judgments 1510 (in re Antoinet No. 2 and Cuenca-Pérez) and 1511 (in re Baudet and Decressac) also delivered this day.

The complainant is a team leader in CERN's Fire and Rescue Service.

By a letter of 3 March 1993, the impugned decision, the Director-General confirmed that he was put on career path IV under the Merit-Oriented Advancement Scheme (MOAS).

B. The complainant relies on the pleas, set out in the above-mentioned judgments under B, which support the contentions that firemen should be on path III and senior firemen on path IV. He says that because he is higher in rank than they he should be on path V and that putting him on path IV is unlawful.

He seeks the quashing of the impugned decision and awards of moral damages and costs.

C. In reply CERN relies on the pleas it put forward in the above-mentioned cases. It submits that since it was right to put the firemen on path II and the senior firemen on path III, the complainant, though higher in rank, should not be put on path V.

D. In his rejoinder the complainant restates his arguments and repeats the observations on moral injury made by the firemen and senior firemen.

E. In its surrejoinder CERN presses its pleas.

CONSIDERATIONS:

1. The complainant is a team leader in CERN's Fire and Rescue Service and is challenging the Director-General's decision of 3 March 1993 to put him on career path IV. He simply repeats the arguments put forward in support of the complaints of Mr. Antoinet and Mr. Cuenca-Pérez, who are firemen, and of Mr. Baudet and Mr. Decressac, who are senior firemen. He argues that, being higher in rank, he should be on career path V, since firemen should be on path III and senior firemen should be on path IV. Judgments 1510 and 1511, delivered this day, rule on those complaints.

2. He claims the quashing of the impugned decision on those grounds alone and offers no pleas in support of the view that his own path is wrong. Since the other complaints fail for the reasons stated in Judgments 1510 and 1511 this complainant too must lose his case.

DECISION:

For the above reasons,

The complaint is dismissed.

In witness of this judgment Sir William Douglas, President of the Tribunal, Mr. Michel Gentot, Vice-President, and Mr. Jean-François Egli, Judge, sign below, as do I, Allan Gardner, Registrar.

Delivered in public in Geneva on 11 July 1996.

(Signed)

William Douglas
Michel Gentot
Egli
A.B. Gardner

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