

THIRTIETH ORDINARY SESSION

In re MENDIS

Judgment No. 210

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the World Health Organization (WHO) drawn up by Mr. Roland Lucian Mendis on 10 October 1971, the Organization's reply of 21 December 1971, the complainant's rejoinder of 7 February 1972 and the Organization's surrejoinder of 24 February 1972;

Considering also the replies made by the WHO on 22 February 1973 and by the complainant on 1 February 1973 to the written questions put to them by order of the Tribunal on 27 November 1972, and the complainant's observations of 20 March 1973 on the WHO's replies;

Considering Article II, paragraph 5, of the Statute of the Tribunal and WHO Staff Rules 510, 520, 540, 940, 970 and 975;

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

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

A. Mr. Mendis was appointed on 1 November 1962 as a senior secretary in the WHO Office in Colombo. His appointment was renewed and the contract which he held at the time when cause for complaint arose was due to expire on 31 December 1969.

B. Early in 1969 the Director of the Colombo Office retired and a new Director, Dr. van der Hoff, usually referred to as the WHO Representative, was appointed. Dr. van der Hoff was frequently absent from the Office and on these occasions he appointed Dr. Lartigue or Dr. Noussitou as acting WHO Representative. These two officers were team leaders of special programmes and not familiar with routine matters. Consequently much responsibility for the conduct of such matters devolved upon Mr. Mendis, who describes himself as Administrative Assistant and had authority to sign letters.

C. Relations between Mr. Mendis and Dr. van der Hoff soon became strained. During 1969 complaints were made on both sides and the situation deteriorated until in November 1969 Mr. Mendis, during the visit to Ceylon of the Director of the WHO Regional Office in New Delhi, to which the Colombo Office is answerable, went to his residence to talk to him. In the absence of the Regional Director the complainant left with his wife a list of complaints in which, among other things, he charged the Director of the Colombo Office with encouraging interference in the affairs of the Office on the part of a contractor for a WHO project in Ceylon, having improperly appointed an incompetent secretary and having gradually conferred on that secretary important functions which the complainant was entitled to perform, having abused his privileges in regard to duty-free goods, and in general having committed improprieties in the management of the Office. Finally, he accused the Director of having forced a drawer in his desk while he was absent during a lengthy illness. On his return to New Delhi the Regional Director instructed Mr. Weil, the Chief of Administration and Finance of the New Delhi Office, to go to Colombo to carry out an inquiry. After carrying out a thorough inquiry lasting several days, Mr. Weil submitted a detailed report dated 11 December 1969 in which he reviewed the Organisation's charges against the complainant and the complainant's own accusations, assessed their accuracy and made recommendations. The reasons for the Regional Office's dissatisfaction with Mr. Mendis were:

(1) a long period of sickness leave which he had taken from 7 September 1969 and which the medical certificates did not seem to warrant;

(2) the fact that Mr. Mendis had on his own initiative obtained the grant of fellowship to two Sinhalese, Dr. Weerasena and Mr. Wijesekara, without respecting express instructions which he had received and, in particular, that he had obtained the signature of the acting Director on 22 July 1969 of a letter addressed to the Government of Ceylon and had subsequently written and signed himself a second letter to the Government on 24 July 1969 and

that both these letters ran counter to the instructions which he had received;

(3) the accusations, believed to be defamatory, brought by Mr. Mendis against the Director of the Colombo Office, in particular in the note which he left at the residence of the Regional Director; and

(4) the fabricated allegations of improprieties in management referred to in the same note.

Mr. Weil questioned the authenticity of the complainant's illness but did not recommend imposing any sanction on him on that score. He found the second and fourth charges to be well founded and recommended dismissal for misconduct in accordance with WHO Staff Rule 975. He also found that the charges brought by the complainant and referred to in (4) above were defamatory, and recommended his dismissal on the grounds of unsuitability for international service in accordance with WHO Staff Rule 970.1.

D. The facts relating to the grant of the fellowship to Dr. Weerasena have assumed crucial importance and are as follows:

(1) The grant of fellowships financing a course of study abroad (normally one which is unobtainable in the fellow's own country) is one of the WHO'S important functions. Up to the end of 1969 almost 33,000 fellowship awards had been made to doctors, nurses, etc., from 162 countries. Such fellowships are naturally much sought after. The object of the grant is to benefit not so much the fellow as an individual but the National Health organisation of his country. Consequently, applications for fellowships are not made to the WHO direct by individuals. The appropriate form (WHO 52) must be submitted to the applicant's government. The usual procedure is for the applications to be sifted by a selection committee. The successful applications are then forwarded by the government to the appropriate Regional Office of the WHO. In Sri Lanka this is done through the Office of the WHO Representative in Colombo to the Regional Office (SEARO) in New Delhi.

(2) It is clear that in SEARO the correct procedure has not invariably been followed. Before the application in question in the present case, Dr. Weerasena had already made two successful applications for a fellowship. The second of them was in July 1968 for the grant of a fellowship for two weeks to enable him to attend a Congress of Cardiology in Israel. In that case the WHO Colombo Office simply forwarded to SEARO a "self-explanatory" letter from Dr. Weerasena with a favourable recommendation from the WHO Representative himself and the application was granted provided the form was received in time. Thereafter the Ministry of Health in Colombo completed two irrelevant forms; one was for the nomination of a government representative to attend a WHO educational meeting and the other was a form summarising the benefit which had been received by the country from the fellowship. Dr. Weerasena was then officially informed that "upon the recommendation of your Government, you have been awarded a fellowship" to cover attendance at the Congress.

This was done notwithstanding the relevant rule in the Manual of the WHO which provides that fellowships are not awarded for "the purpose of attending meetings, conferences or congresses". The award covered Dr. Weerasena's travelling expenses and a total of £57 as per diem allowances.

(3) In February 1969 Dr. Weerasena received an invitation to attend an International Congress of Radiology in Tokyo. Initially the same procedure was followed. A memorandum signed by the complainant and dated 20 March 1969 was accompanied by a letter of application from Dr. Weerasena and also a letter from the Medical Superintendent of the General Hospital, Colombo, recommending his leave and participation in the Congress. The memorandum very strongly recommended that the travel fellowship should be granted as requested and also an additional short fellowship of at least two months for further training SEARO made various inquiries and on 18 April they were notified in a letter signed by Dr. van der Hoff that Dr. Weerasena's leave had been officially approved by the Ministry of Health. By 23 April a draft had been prepared in SEARO informing the Colombo Office of its agreement to award a two months' fellowship as recommended and asking for the application forms.

(4) But then the matter came to the attention of the Regional Director personally; he was very displeased and the draft was cancelled. He expressed his displeasure in an internal note on 25 April. In this note he reminded his staff that SEARO had been strongly criticised for utilising WHO funds in unplanned fellowship programmes. He drew attention to the rule forbidding the award of fellowships for the purpose of attending congresses; he pointed out that the request had not been sponsored by the Government and said that it was "a vague application". The note gave rise to discussion in SEARO about the requirements which the Weerasena application must satisfy; eventually on 13 May a telegram was sent to Colombo directing the Office to inform Dr. Weerasena that his request could not be

entertained. The telegram stated:

"UNDER FELLOWSHIP REGULATIONS, WHO CANNOT AWARD FELLOWSHIPS TO CANDIDATES TO ATTEND CONFERENCES AND SEMINARS NOT SPONSORED BY WHO. ALSO WHO FELLOWSHIPS ARE NOT AWARDED TO CANDIDATES UNLESS THEIR APPLICATION IS FORWARDED THROUGH PROPER GOVERNMENT CHANNELS."

On 15 May the Regional Director was in Colombo and there ascertained that the Ministry of Health was unaware of any fellowship for Dr. Weerasena and that it had granted to him and to a senior radiotherapist two weeks' leave only with authority to attend the Congress at their own expense. The Regional Director took the matter up with Dr. van der Hoff; he pointed out that the WHO would have been placed in an extremely delicate position if it had granted a fellowship to Dr. Weerasena and ignored the senior man. Dr. van der Hoff said in effect that he knew nothing about the matter, that the complainant "had been in the habit previously of assuming more powers than his position warranted" and that the situation would not recur. On his return to New Delhi the Regional Director made a note of this conversation and included in it an instruction that the WHO Representative should be briefed properly on the requirements for granting fellowships and on the nature of the cases to be recommended. On 30 May Dr. van der Hoff wrote to Dr. Weerasena in the terms of the telegram of 13 May.

(5) This did not however put an end to the matter. Dr. Weerasena appears to have interpreted Dr. van der Hoff's letter as meaning no more than that "WHO fellowships are not awarded to candidates unless their application is forwarded through the proper government channels". This is how he put it in a letter to Dr. van der Hoff of 28 June and with this letter he enclosed a copy of a formal application dated 25 June to the Ministry of Health which, he said, "will communicate with you very shortly on this subject". The application was primarily for a fellowship to attend the Congress, but he asked also for an extension "to cover a period of 6 to 8 weeks in Japan and a visit to Australia" for the purposes of study.

(6) On 3 July the complainant forwarded a copy of the application to SEARO together with a memorandum in which the fellowship was recommended as "essential". The memorandum, which was signed by the complainant, stated that Dr. Weerasena had discussed the matter with the Department of Health, and continued:

"The Government now wishes that Dr. Weerasena be awarded a short-term fellowship for about three months to study in Australia. Whilst proceeding on this fellowship he could then conveniently attend the Congress and bring honour to WHO as he did before in Israel." There was a passage in this memorandum which was presumably intended to indicate the Government's earnestness in the matters the complainant suggested "that the Government should not be driven to approach other agencies to secure this fellowship".

(7) No communication was forthcoming from the Department of Health and on 14 July the Colombo Office, in a letter signed by Dr. Noussitou, wrote to recapitulate and to say that "on receipt of an official request from you, we will proceed further in the matter". Meanwhile, the matter was being further considered in the appropriate branches of SEARO on the footing that the WHO Representative "considers it to be necessary and gives justification and a new cover". As a compromise between "technical considerations" and "WHO policy" it was suggested that Dr. Weerasena might be given a "fellowship for studies" for about three months during which period he could attend the Congress. The compromise was eventually framed as follows in a cable from SEARO to Colombo on 17 July:

"IF WEERASENA WILL ATTEND TOKYO CONGRESS ON HIS OWN WHO AGREEABLE AS A SPECIAL CASE PAY ONLY PER DIEM AND INTERNAL TRAVEL COST FOR FOUR WEEKS' OBSERVATION MAJOR INSTITUTIONS JAPAN TO FOLLOW IMMEDIATELY AFTER RADIOLOGY CONGRESS. WILL ENDEAVOUR ARRANGE PROGRAMME IF GOVERNMENT CONCURRENCE TO PROPOSAL IS RECEIVED WITH APPLICATION FORMS."

It will be observed that this proposal excluded the Congress from the fellowship: neither the cost of travel to it nor the per diem expenses during the Congress period were to be financed by the WHO.

(8) On 22 July a letter, signed by Dr. Lartigue and stated to be further to the letter of 14 July, was sent from the Colombo Office to the Department of Health. No copy of the letter was sent to SEARO or filed in the Colombo Office; the original was eventually obtained from the Department of Health. This letter simply stated that a cable had been received from SEARO confirming that arrangements could be made for this fellowship "if the Government would nominate him to represent Ceylon at the Radiology Congress and if the application forms duly

completed are received by us immediately". This was followed two days later by a letter signed by the complainant in which it was stated, further to the letter of 22 July, that the fellowship "would be for a period between 8 to 10 weeks and definitely not more than three months". The result was that on 31 July the Government nominated Dr. Weerasena for a fellowship and sent the necessary forms for forwarding to SEARO. They were accompanied by a memorandum dated 1 August, signed by the complainant and referring to the cable of 17 July:

"We made this (i.e. the cable) known to the Government and the health authorities have now submitted to us the duly approved nomination forms and now wish that Dr. Mahinda Weerasena be awarded a WHO short-term fellowship of 8 to 12 weeks."

(9) The application was discussed in SEARO, where it was noted on 8 August that, although there appeared to be now a technical justification - "no longer, apparently, connected with attendance at a Congress" - the matter must await the return of the Regional Director to see whether he approved of the award of a third fellowship to the same person within a period of three years. The Regional Director, when the matter was brought to his attention, was again very displeased. In September 1969 he had a conversation with the Minister of Health which is summarised in a letter to him from the Minister on 22 September:

"I have discussed this again with the Director of Health Services and we are agreed that it is not necessary to send Dr. Weerasena on any fellowship at this stage. We made the application only because we were told by the local WHO Office that WHO is prepared to offer a fellowship in continuation of earlier work that he did in Israel. No further action need be taken on our request for a fellowship to Dr. Weerasena."

No further action was taken.

E. The Regional Director accepted the recommendations in Mr. Weil's report. On 16 December 1969 he wrote to the complainant to inform him of his intention to "dismiss" him on the expiry of his appointment on 31 December 1969 on the grounds of unsatisfactory service (Staff Rule 970.1) and misconduct (Staff Rule 975) as defined in Staff Rule 510.6 concerning standards of conduct. In accordance with Staff Rule 540.1 he invited the complainant to submit his reply in writing within eight days. The complainant did so in a letter dated 22 December 1969. On 8 January 1970 the Director informed Mr. Mendis that after examining his comments he saw no reason for changing his proposed decision and by reason of the misconduct which Mr. Mendis had committed would not renew his appointment.

F. The complainant appealed to the Regional Board of Appeal in accordance with Staff Rule 1030.1 concerning appeals, on the grounds of the factors specified in paragraphs (a) (prejudice), (b)(incomplete consideration of the facts) and (c) (failure to observe or apply correctly the provisions of the Staff Regulations and Staff Rules). After examining all the correspondence relevant to the appeal, the Board held that Mr. Mendis had indeed committed misconduct in regard to one of the fellowships, having made false statements which had misled the Government of Ceylon and the Regional Office, with potentially serious consequences, but that he had not committed any impropriety in regard to the second fellowship. As regards the note left for the Regional Director by the complainant, the Board held that, even considering that Mr. Mendis might not have been entirely to blame for the deterioration in his relations with his supervisor and his resentment not entirely unwarranted, the vindictive and unbalanced nature of his written accusations showed that he was unsuited for international service. The Board held, however, that considering his long record of satisfactory service, the less severe sanction provided for in Staff Rule 970.2, namely that he should be given warning and a reasonable time to improve, would have been more appropriate, particularly since, in the Board's view, final responsibility in the matter of the fellowships rested with his superiors, who had not exercised proper supervision. The Board accordingly recommended the Regional Director: (a) to uphold his decision to dismiss the complainant, to grant him an ex gratia payment equivalent to three months' salary in lieu of notice of non-renewal of appointment, and (b) to delete his final appraisal report, which had been prepared long after his departure. The Regional Director accepted these recommendations, but the complainant appealed to the Headquarters Board of Inquiry and Appeal.

G. The Headquarters Board of Inquiry and Appeal found that the dismissal had been based on misconduct within the meaning of Staff Rule 510.6 and that misconduct had been limited to the matter of fellowships. Yet it had never been proved that the complainant had been seeking to promote his own interests; indeed he had acted in a subordinate capacity and his supervisor was therefore responsible. The Board nevertheless had "no hesitation in stating that Mr. Mendis acted wrongly in sending [the letter of 24 July 1969] to the Government. However, equally unhesitatingly it finds that such action was not of such gravity as to warrant dismissal as a disciplinary measure ...".

It therefore recommended the Director-General to take any step he deemed appropriate in the light of the finding of the Board that dismissal of Mr. Mendis was unjustified by the circumstances of the case. It also confirmed the Regional Board's recommendation that the final appraisal report on the complainant should be deleted. On 11 August 1971 the Director-General informed Mr. Mendis that he accepted the recommendation concerning the appraisal report, but could not endorse the other recommendation, since it was proved that he had been personally responsible for irregularities in dealing with a fellowship, which constituted "improper action of a staff member in his official capacity" under Staff Rule 510.6. His dismissal for misconduct was justified on that count. The Director-General said that he was nevertheless prepared to agree to the Regional Board's recommendation for payment of three month's salary in final settlement of his claims.

H. In his complaint to the Tribunal Mr. Mendis maintains that the inquiry is incomplete and that in particular the acting Director, who had signed the letter of 22 July 1969, had not been heard. He contends that the letter of 22 July was written and signed by the acting Director and that he himself signed and despatched the letter of 24 July 1969 only on his instructions. He also points out that his functions were too subordinate for him to have been able to assume responsibility for writing the letter of 24 July, or any other letter concerning the fellowship in question. He claims to have been the victim of intrigue whose purpose was to secure his dismissal and which was motivated by the desire of the Director of the Colombo Office and the Regional Director to replace him by one of the latter's relatives. He maintains that the note which he addressed to the Regional Director was a personal memorandum which he intended to consult during his conversation with the Regional Director, that he had never intended to show him that note and it was only because he had been so compelled by circumstances, in the absence of the Regional Director, that he had left it at his residence. He prays the Tribunal to rescind the Director-General's decision of 11 August 1971 and to order the Organization either to renew his contract as from 1 January 1970 and pay him his salary retroactively and in addition equitable compensation, or to compensate him for the entire loss of his career and distress caused to him and his family, and for the injury done to his reputation and to his prospects of obtaining any other employment in Ceylon. He sets the amount of compensation at a minimum of 250,000 Ceylonese rupees.

I. The Organization prays that the complaint be dismissed.

CONSIDERATIONS:

1. The complainant requests the Tribunal to order the rescission of the decision of the Director-General given on August 1971. By this decision the Director-General confirmed the decision of the Regional Director to dismiss the complainant for misconduct: misconduct is defined in Staff Rule 510.6 as including "improper action of a staff member in his official capacity". The Regional Director's decision was given on a number of grounds, but the only one mentioned in the decision impugned is in respect of "irregularities in dealing with a fellowship". The grounds given in the Regional Director's decision included "very serious misconduct in connection with the fellowships of Dr. Weerasena and Mr. Wijesekara". since the decision impugned refers only to "a fellowship" and since the Regional Board of Appeal acquitted the complainant of any impropriety in connection with the Wijesekara fellowship (a finding which does not appear to have been contested before the Headquarters Board of Inquiry and Appeal) the Tribunal considers that the decision impugned can be justified only on the ground of misconduct in connection with the Weerasena fellowship. The nature of the misconduct is framed in the Organization's reply as follows:

"Mr. Mendis ignored instructions from the Regional Office, provided false information, misrepresented facts in the letters he prepared to the Ceylonese Government and betrayed the trust that was placed in him by the WHO Representative in so far as signing documents was concerned. " The essence of this is misrepresentation. If there was no misrepresentation of facts, the Tribunal does not consider that in the circumstances of this case there was any other aspect of the complainant's activities which could amount to misconduct. Accordingly there are four questions for the Tribunal to determine:

(a) Was there misrepresentation in connection with the Weerasena fellowship?

(b) Was the complainant responsible for it?

(c) Did it amount to misconduct within the meaning of Staff Rule 510.6?

(d) Was the Director-General's penalty of summary dismissal out of all proportion to the degree of misconduct?

2. As to question (a). The correspondence (summarised in paragraphs 6, 7 and 8 of section D above) must be read as a whole. The letters from the Colombo Office are plainly written with the object of bringing together the two parties concerned - the Government and SEARO - by the method of representing to each how far the other was prepared to go. The question is whether those representations went beyond statements of hope and expectation into a divergence from the truth. There are four crucial representations (underlined in the said paragraphs) and the Tribunal has reached the conclusion that each of them was false. As to the first, the memorandum to SEARO of 3 July, there is no evidence that the Government ever expressed any wish as there alleged; it specifically denied to the Regional Director that it did so. The second, the letter to the Government of 22 July, grossly misrepresents SEARO's cable; it suppresses all the conditions which SEARO attached to the offer and invents a condition which is outside the offer and inconsistent with it, namely, that the Government should nominate Dr. Weerasena as its representative at the Congress. The third misrepresentation is in the letter to the Government of 24 July; this stated that the fellowship offered would be for a period of between eight to ten weeks and definitely no more than three months, whereas the offer was for four weeks only. The fourth is in the memorandum of 1 August which states falsely that SEARO's cable had been made known to the Government and repeats the false representation about the Government's wishes.

3. As to question (b). The Tribunal concludes that the complainant was responsible for the four misrepresentations. He himself signed the first, third and fourth; and according to Mr. Weil, the inquiry officer, admitted responsibility for the second saying that he prepared the letter and that Dr. Lartigue, not knowing the entire case, signed in good faith. This admission is however disputed by the complainant and Mr. Weil's report has not impressed the Tribunal as unprejudiced. The Tribunal would not therefore act upon the admission unless it were corroborated. It is corroborated to some extent by the fact that Dr. Lartigue has no recollection of the incident (this is at least consistent with the admission) and to a greater extent by the probabilities of the case. It is clear that all four letters hang together as part of a single scheme of deception and, if the complainant is innocent, he must explain how he came to sign three of them. He says that he never wrote any letters on his own initiative and that he was given by his superiors either dictation or handwritten drafts for typing. The Tribunal rejects this explanation. So far as it goes it is plausible, but it is implausible that the complainant would have been told not merely to type the letters but also to sign them.

4. As to question (c). "Improper action" is a very wide term which in the opinion of the Tribunal must to some extent be narrowed by its context in Staff Rule 510.6; this shows that the impropriety must be sufficiently great to be treated as a species of misconduct. Misconduct itself may vary very much in gravity. But Staff Rule 520 provides for a range of penalties and the principle of proportionality will ensure that extreme penalties, such as summary dismissal, are applied only to the gravest cases. In the present case, while it is not suggested that there was any corrupt motive for the mis- representations, they were part of a deliberate plan and might have had a serious effect on the relations between the WHO and the Government. In the opinion of the Tribunal they amount to misconduct.

5. As to question (d). It is to be noted in the first place that the complainant's contract would in any event have expired on 31 December 1969, that is, a fortnight after the decision to dismiss him summarily. It would have been natural therefore, having regard to the seven years of satisfactory and even praiseworthy service given by the complainant, to have dealt with the matter by terminating his service automatically at that date under Staff Rule 940. Notwithstanding his good record, it could not have been said that this would be too harsh a penalty since there would have to be taken into account some recent instances of unsatisfactory behaviour by the complainant which, while not in themselves amounting to misconduct, could properly affect the choice of penalty to be imposed. The ignominy of summary dismissal and its effect upon the complainant's prospects are heavy additions to the consequences that inevitably flow from the termination of employment; and the question for the Tribunal is whether its imposition in this case gives adequate weight, not only to the nature of the misconduct taken by itself, but to the extent to which in the circumstances of this case the complainant should be held to blame. In this connection there are mitigating factors which the Regional Director and the Director-General do not appear to have taken into account.

It is clear that until the Regional Director personally intervened there was a general slackness in SEARO about fellowship awards. The complainant might well have supposed that the regulations did not count for much and that some degree of finesse was permissible to secure an award in what he believed to be a meritorious case. If he was operating in this sort of way, he would be endeavouring to exercise a degree of judgment far greater than a senior secretary would normally be expected to have. But for defective organisation in the Colombo Office he could not have been operating in such a way at all. The head of the Office was frequently away; his deputies had outside jobs

and gave only a perfunctory attention to office affairs. The unfortunate thing is that the complainant was allowed to exercise responsibility but was not given the information to which a responsible officer would be entitled. When on 15 May the Regional Director remonstrated with Dr. van der Hoff, the latter said that the complainant had exceeded his powers and that the situation would not recur. There is no evidence of any firm steps taken by Dr. van der Hoff either to curb the complainant's activities or to advise him of what the Director had said. There is no evidence that the deputies were so advised or warned of the need to check what the complainant was doing. There is no evidence that the Director's instructions that the Colombo Office should be briefed properly on the requirements for granting fellowships and on the nature of the cases to be recommended were ever carried out. Had any of these things been done, the complainant might have been pulled up. As it was, he was never told that the situation had radically changed and that methods which had hitherto gone unrebuked were no longer acceptable.

6. In the opinion of the Tribunal, when these mitigating factors are put into the scale together with the lack of any corrupt motive and the complainant's previous good record, they cause the sentence of summary dismissal to appear out of all proportion to the degree of misbehaviour in this case. The Tribunal has noted that both Boards of Appeal considered the sentence of dismissal to be excessive. The Tribunal may also infer that the Director-General himself entertained some doubts since he accepted the recommendation of the Regional Board that he should authorise payment of three months' salary and allowances as extended notice beyond 31 December 1969; this is consistent with automatic termination (see Staff Rule 940) and inconsistent with dismissal for misconduct (see Staff Rule 540.2).

DECISION:

For the above reasons,

1. The Director-General's decision of 11 August 1971 is quashed in so far as it confirms the Regional Director's decision to dismiss the complainant for misconduct.
2. The Director-General's decision is confirmed in so far as it grants to the complainant payment of three months' salary and allowances.

In witness of this judgment 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, Morellet, Registrar of the Tribunal.

Delivered in public sitting in Geneva on 14 May 1973.

M. Letourneur
André Grisel
Devlin

Roland Morellet