

THIRTY-FIFTH ORDINARY SESSION

***In re* CANTAL-DUPART**

Judgment No. 258

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the United Nations Educational, Scientific and Cultural Organization (UNESCO) drawn up by Mr. Michel Cantal-Dupart on 21 October 1974 and brought into conformity with the Rules of Court on 10 January 1975, the Organization's reply of 12 February 1975 and the complainant's letter of 16 April 1975;

Considering Article VII, paragraph 2, of the Statute of the Tribunal and Article 8, paragraph 3, of the Rules of Court of the Tribunal; Considering the documents in the dossier:

CONSIDERATIONS:

According to Article VII, paragraph 2, of the Statute of the Tribunal, to be receivable a complaint must have been filed within ninety days after the complainant was notified of the decision impugned or after the decision was published. Article 8, paragraph 3, of the Rules of Court provides that if a complaint is clearly irreceivable it may be summarily dismissed without the defendant organisation's being asked to reply on the merits.

The present complaint impugns a decision taken by the Director-General on 18 June 1974 and was lodged in the form of a telegram on 21 October 1974, that is to say clearly after the expiry of the time limit set by Article VII, paragraph 2, of the Statute of the Tribunal. It is declared irreceivable in accordance with Article 8, paragraph 3, of the Rules of Court, notwithstanding the absence of any reply by the Organization on the merits.

DECISION:

For the above reasons,

The complaint is dismissed. 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 27 October 1975.

(Signed)

M. Letourneur
André Grisel
Devlin

Roland Morellet