

CONSEIL DE L'EUROPE— —COUNCIL OF EUROPE

TRIBUNAL ADMINISTRATIF ADMINISTRATIVE TRIBUNAL

Decision of the Administrative Tribunal of 20 May 1998 in the case of X v. Secretary General

The Administrative Tribunal, composed of:

Mr Nicolas VALTICOS, Deputy Chair,
Mr Kåre HAUGE,
Mr José da CRUZ RODRIGUES, Judges

assisted by:

Mr Sergio SANSOTTA, Registrar, and
Mrs Claudia WESTERDIEK, Deputy Registrar,

has delivered the following decision after due deliberation.

PROCEEDINGS

1. The appellant, hereinafter referred to as X, lodged her appeal on 5 January 1998. It was registered on 7 January 1998 under file No. 244/1998.
2. On 28 January 1998, Maître Jean-Pierre CUNY, acting on behalf of X, submitted a supplementary memorial.
3. On 6 March 1998, the Secretary General submitted his observations concerning the appeal.
4. On 7 April 1998, Mr. CUNY informed the Tribunal that the appellant wished to withdraw her appeal, with immediate effect.

On 22 April, his letter was brought to the attention of the Secretary General, who raised no objections.

THE FACTS

5. When lodging the appeal, X, a staff member of the Council of Europe, asked that her identity be protected. Having acceded to that request, the Tribunal will not include in the present decision any factual information that might threaten her anonymity.
6. On 30 May 1997, the Administrative Tribunal gave its decision on Appeal No. 224/1996,

lodged by the appellant.

This decision annulled the Secretary General's decision that the appellant's former spouse, who is also a Council of Europe staff member, and not X herself, would receive the household allowance and dependent child's allowance in respect of the couple's two children.

7. On 18 September, the appellant lodged an administrative complaint concerning execution of the decision of 30 May 1997, which was only partial and in breach of Article 60, paragraph 6, of the Staff Regulations:

"Decisions of the Administrative Tribunal shall be binding on the parties as soon as they are delivered. The Secretary General shall inform the Tribunal of the execution of its decisions within thirty days from the date on which they were delivered."

8. Following the Secretary General's rejection of her administrative complaint on 22 October 1997, X lodged the present appeal, with a view to obtaining full and complete execution of the Administrative Tribunal's decision on Appeal No. 224/1996, and particularly the payment of default interests and the education allowance.

9. By letter dated 7 April 1998, X's counsel informed the Tribunal that the appellant considered that her case had been settled for the future, particularly as regards payment of the education allowance from the current academic year onwards. He added that X was prepared, on this basis, to withdraw her complaints concerning the education allowance for the previous academic year, and her other complaints concerning the delay incurred and procedure adopted regarding execution of the decision of 30 May 1997.

10. In a letter dated 4 May 1998, the Secretary General duly noted X's withdrawal, and stated that he had no objections and that, in the circumstances, the case could be considered closed.

THE LAW

11. On the basis of these facts, the Administrative Tribunal notes that there is nothing to prevent Appeal No. 244/1998 from being struck out off the list.

For these reasons, the Administrative Tribunal:

In accordance with Rule 20, paragraph 1, sub-paragraph a, of its Rules of Procedure,

Decides to strike Appeal No. 244/1998 out off its list.

Done in French on 20 May 1998 at Strasbourg and communicated in writing to both parties, in accordance with Rule 35, paragraph 1, of the Rules of Procedure.

The Registrar of the
Administrative Tribunal

The Deputy Chair of the
Administrative Tribunal

S. SANSOTTA

N. VALTICOS