

CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

TRIBUNAL ADMINISTRATIF

ADMINISTRATIVE TRIBUNAL

CHAIR'S ORDER of 30 January 2002
in the case of X v. Secretary General

I, Chair of the Administrative Tribunal,

Having regard to appeal No. 286/2001 lodged on 30 August 2001 by Ms X, to whom the Chair of the Tribunal had granted anonymity;

Having regard to the appellant's memorandum dated 11 October 2001 in which she gave notice that she wished to withdraw the appeal;

Having regard to the letter from the Secretary General dated 7 December 2001 in which he raised no objection to the aforementioned request;

Having regard to Rule 20 of the Rules of Procedure of the Administrative Tribunal;

Having regard to Article 5, paragraph 2 of the Statute of the Tribunal;

Considering that it was appropriate to apply the procedure provided for in the above provisions;

Considering that the Tribunal had deliberated on 4 December 2001;

Having submitted on 29 January 2002 a reasoned report to the judges of the Tribunal;

Noting that the judges raised no objection but, on the contrary, gave their consent to this order on the same day;

DECLARE

- appeal No. 286/2001 struck off the list for the reasons given in the report appended hereto.

Done and ordered in Strasbourg on 30 January 2002, this order having been notified to the parties to the case.

The Registrar of the
Administrative Tribunal

S. SANSOTTA

The Chair of the
Administrative Tribunal

K. HERNDL

REPORT DRAWN UP FOR THE PURPOSES OF THE PROCEDURE PROVIDED FOR IN RULE 20 OF THE RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL AND ARTICLE 5, PARAGRAPH 2, OF THE STATUTE OF THE TRIBUNAL

Appeal No. 286/2001

X v. Secretary General

This report concerns appeal No. 286/2001, lodged by Ms X. It has been drawn up for the purposes of the procedure provided for in Article 5 paragraph 2 of the Statute of the Administrative Tribunal and Rule 20 paragraph 2 of the Rules of Procedure of the Tribunal.

THE PROCEEDINGS

1. Ms X submitted her appeal on 30 August 2001. The appeal was registered on 4 September under no. 286/2001.
2. By memorandum dated 11 October 2001, Ms X gave notification that she wished to withdraw her appeal. On 7 December 2001, the Secretary General informed the Tribunal that he had no objection to the appeal being struck off the list.
3. On 29 January 2002, the Chair of the Administrative Tribunal submitted the present report to the members of the Administrative Tribunal.

THE FACTS

4. Ms X was contacted in December 2000 and offered a temporary employment contract of three months' duration. According to the information she alleges she was given, this contract was to be renewable on a monthly basis and was not expected to come to an end before September 2001.

The appellant took up her duties at the beginning of January 2001. She requested an A grade contract in view of the length of the contract she was being offered and her 12 years' professional experience. This was refused.

Subsequently, in response to a request for information on her employment situation, the appellant was informed by her Head of Department that her contract would end in July 2001.

5. In the meantime, a dispute had arisen between the appellant and the Organisation concerning a modification to her working hours, which Ms X had requested for personal reasons.
6. On 25 April, Ms X was informed that the modification she had requested had not been approved. Following a discussion, it was suggested that she work 80% until July and that her contract be extended to cover the month of August in order to make up the difference.

The same day, the appellant had an interview with her Head of Department. Furthermore, as her state of health had deteriorated, she was signed off work by a doctor.

7. On 26 April 2001, Ms X received a memorandum from the Directorate of Human Resources informing her that her contract would end on 31 May 2001 and that it would not be extended.

8. On 22 May 2001, the appellant submitted an administrative complaint to the Secretary General pursuant to Article 59 of the Staff Regulations, in which she related the facts leading to the decision not to renew her contract beyond May. She also asked the Secretary General to state his position on the “behaviour” of her Head of Department.

9. On 28 June 2001, the Director General of Administration and Logistics informed the appellant that her administrative complaint had been dismissed.

10. On 30 August, Ms X lodged the present appeal.

THE LAW

11. The appellant appealed against the Secretary General’s decision not to renew her contract beyond 31 May 2001. She asked the Tribunal to annul that decision and to award her compensation the non-pecuniary and professional damage sustained.

12. By e-mail of 11 October 2001, the appellant gave notification that she wished to withdraw the appeal, for personal reasons.

13. For his part, the Secretary General raised no objection.

14. The Chair recalls that under Rule 20, paragraph 1a of the Tribunal’s Rules of Procedure, an appeal may be struck off the Tribunal’s list if an appellant wishes to withdraw it. He notes that in the instant case there is no reason why the appeal should not be struck off. He considers that the reasons leading the appellant to withdraw – which were notified to the Tribunal – are legitimate. He further notes that the appeal is to be struck off the list in accordance with the procedure provided for in Rule 20, paragraph 2 of the Rules of Procedure.

CONCLUSIONS

15. This report is being submitted to the judges of the Tribunal so that they may exercise the supervision provided for in Article 5 paragraph 2 of the Statute of the Tribunal, to which Rule 20 paragraph 2 of the Rules of Procedure refers.

The Chair

Kurt HERNDL