

CONSEIL DE L'EUROPE————

————**COUNCIL OF EUROPE**

TRIBUNAL ADMINISTRATIF

ADMINISTRATIVE TRIBUNAL

CHAIR'S ORDER of 26 June 2015
in the case of Martine CARALY-STARKE v. Secretary General

I, Chair of the Administrative Tribunal,

Having regard to Appeal No. 558/2014 lodged by Ms Martine Caraly-Starke on 24 November 2014;

Having regard to appellant's letter of 6 March 2015 in which she stated that she wished to withdraw her appeal;

Having regard to letter sent by the representative of the Secretary General of the Council of Europe on 8 April 2015 raising no objections to striking the appeal out of the list of cases;

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

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

Considering it appropriate to apply the procedure provided for in Rule 20 and Article 5, paragraph 2;

Having submitted a reasoned report to the judges of the Tribunal on 15 June 2015;

Noting that they raised no objection but on the contrary gave their agreement to this order;

DECLARE

- Appeal No. 558/2014 struck off the list of cases on the grounds set out in the report appended hereto.

Done and decided in Strasbourg on 26 June 2015, the present order being notified to the parties to the case.

The Registrar of the
Administrative Tribunal

Sergio SANSOTTA

The Chair of the
Administrative Tribunal

Christos ROZAKIS

**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. 558/2014

Martine CARALY-STARKE v. Secretary General

This report concerns Appeal No. 558/2014 lodged by Ms Martine Caraly-Starke. It has been drawn up for the purposes of the procedure provided for in Rule 20, paragraph 2, of the Rules of Procedure of the Administrative Tribunal and Article 5, paragraph 2, of the Statute of the Tribunal.

THE PROCEEDINGS

1. Ms Martine Caraly-Starke lodged her appeal on 24 November 2014. On 2 December 2014, the appeal was registered under No. 558/2014.
2. On 18 December 2014 the Secretary General submitted his observations.
3. Invited to submit her comments in response, on 6 March 2015 the appellant informed the Tribunal that she wished to withdraw her appeal.
4. On 8 April 2015 the Secretary General informed the Tribunal that he had no objection to the appellant withdrawing her appeal.
5. On 15 June 2015 the Chair of the Administrative Tribunal submitted this report to the members of the Tribunal.

THE FACTS

6. The appellant is an interpreter who works for the Organisation on the basis of daily contracts.
7. On 1st September 2014, the applicant sent a letter to the Director of Human Resources to complain about an alleged refusal by a Unit of his Directorate. In her form of appeal to the Tribunal, she describes this letter as an administrative complaint within the meaning of article 59, paragraph 2, of the Staff Regulations.
8. On 19 September 2014, the Human Resources Director responded and affirmed, *inter alia*, that there had been no refusal on the part of the above-mentioned Unit.
9. The appellant lodged the present appeal on 24 November 2014.

THE LAW

10. The appellant lodged her appeal for complaining about an alleged refusal to consider an accident she had suffered as an accident at work.

11. In his observations of 18 December 2014, the Secretary General stressed the confused nature of the appeal and, after considerations with respect to the admissibility of the appeal, asked the Tribunal to declare the appeal manifestly inadmissible pursuant to paragraph 2 of article 5 of the Statute of the Tribunal.

12. In a letter dated 6 March 2015, the appellant informed the Tribunal that she wished to withdraw her appeal.

13. On 8 April 2015, the Secretary General, for his part, informed the Tribunal that he had no objections to striking the case off the list.

14. The Chair would point out that, under Rule 20, paragraph 1.a of the Tribunal's Rules of Procedure, an appeal may be struck off the list of cases if the appellant declares that he or she wishes to withdraw it. According to paragraph 2 of the same provision, the Tribunal shall decide according to the procedure laid down in article 5, paragraph 2, of the Statute of the Tribunal that applies to the statement of manifest inadmissibility of an appeal.

15. For his part, the Chair observes that in the present case there is no reason not to strike the appeal off the list. Admittedly, in her letter informing the Tribunal of her decision to withdraw her appeal, the appellant does not give any details concerning the content of her decision. The Chair cannot therefore verify the content and details of this decision, but this omission does not prevent the Tribunal from deciding to strike the appeal off its list of cases. Under Rule 20, paragraph 3, of its Rules of Procedure, "The Tribunal may decide to restore an appeal to its list of appeals if it considers that the circumstances justify such a course."

16. Finally, the Chair observes that the appeal must be struck off the list of cases in accordance with the procedure set out in Rule 20, paragraph 2, of the Tribunal's Rules of Procedure.

CONCLUSION

This report is 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

Christos ROZAKIS