

Appeal No. 760/2024

Ü. K.

v.

Secretary General of the Council of Europe

ORDER TO STRIKE OUT

6 January 2025

The Chair of the Administrative Tribunal,

Having regard to Appeal No. 760/2024 lodged by Ü. K. on 2 August 2024;

Having regard to the letter sent by the appellant on 5 December 2024, in which he gave notice that he did not wish to pursue his appeal;

Having regard to the letter sent by the Secretary General of the Council of Europe on 18 December 2024 in which he states that he has no objection to the appeal being struck out;

Having regard to Article XV of the Statute of the Administrative Tribunal;

Having regard to Rule 23, paragraph 2, of the Tribunal's Rules of Procedure, which refers to Rule 14 thereof to determine the applicable procedure;

GROUND OF THE APPEAL

1. The appellant's appeal concerns the decision not to extend the validity of a reserve list. His administrative complaint against the decision was dismissed by the Secretary General on 3 June 2024.

2. The appellant maintains that insofar as it was based on there currently being enough people working in the unit concerned, the Secretary General's decision was manifestly erroneous. He also maintained that he had been discriminated against. He therefore requests that the Tribunal set aside the relevant decision and order the Secretary General to extend the validity of the reserve list from competition e35/2021 for a further two years.

WITHDRAWAL

3. By a letter received by the Registry on 5 December 2024, the appellant informed the Tribunal that he wished to withdraw the appeal on the grounds that some media outlets had taken up his case for political reasons and that he wanted to avoid his case being used for any political purpose.

THE CHAIR'S ASSESSMENT

4. Under Article XV a) of the Tribunal's Statute, an appeal may be struck out of its list of cases if the appellant withdraws the appeal. In accordance with Rule 23, paragraph 2, of the Tribunal's Rules of Procedure, the Tribunal rules in accordance with the procedure set out in Rule 14 of the Rules.

5. The Chair notes that the grounds given by the appellant in the instant case for no longer wishing to pursue his appeal reveal a genuine desire on his part to withdraw his appeal. There is therefore no reason why the appeal should not be struck out.

6. In accordance with Rule 14, paragraph 1, of the Tribunal's Rules of Procedure, the Chair informed the Tribunal judges due to hear the appeal of his intention to strike it out of its list of cases. The judges did not raise any objections.

7. The Chair therefore believes that the case should be struck out of its list of cases.

8. He points out that the Tribunal may decide to restore it to the list where it considers that this is warranted by the circumstances (Rule 23, paragraph 3, of the Tribunal's Rules of Procedure).

FOR THESE REASONS,

The Chair decides to strike out of its list of cases Appeal No. 760/2024.

Delivered in Leuven (Belgium), on 6 January 2025, the French text being authentic.

The Deputy Registrar of the
Administrative Tribunal

The Chair of the
Administrative Tribunal

Dmytro Tretyakov

Paul Lemmers