

stationed away from Headquarters, made it particularly difficult for him to establish his rights.

This is a situation in which the Applicant, because of certain delays, the conditions in which his case was handled in its earlier phase and his lack of services of counsel, may have the impression of an injustice, even though his uninterrupted service as an expert since 1951 and his devotion to duties were not open to question. However, these considerations cannot affect the conclusions which the Tribunal reaches on the basis of the applicable texts.

IX. For these reasons, the Tribunal rejects the pleas of the application concerning the decision of the Standing Committee of the Joint Staff Pension Board notified to the Applicant on 24 October 1967 and decides that it is not competent to take cognizance of the contentions relating to the right of participation which might have been conferred upon the Applicant prior to 1958. The request for costs is accordingly rejected.

(Signatures)

Suzanne BASTID

President

CROOK

Vice-President

L. IGNACIO-PINTO

Member

Z. ROSSIDES
Alternate Member

Jean HARDY
Executive Secretary

New York, 24 October 1968.

Judgement No. 119

(Original: English)

Case No. 120:
West

Against: **The United Nations
Joint Staff Pension
Board**

Request by a staff member of FAO for validation by the Joint Staff Pension Fund of service completed before his participation in the Fund.

[For the remainder, see the summary of Judgement No. 118, minus the last sentence.]

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Madame Paul Bastid, President; the Lord Crook, Vice-President; Mr. Zenon Rossides; Mr. Louis Ignacio-Pinto, alternate member;

Whereas, on 5 December 1967, Burnell G. West, a staff member of the Food and Agriculture Organization of the United Nations, hereinafter called FAO,

filed an application against a decision of the United Nations Joint Staff Pension Board;

Whereas the application did not fulfil all the formal requirements of article 7 of the Rules of the Tribunal;

Whereas, under paragraph 10 of that article, the Executive Secretary of the Tribunal returned it to the Applicant and called upon the Applicant to make the necessary corrections not later than 1 March 1968;

Whereas the Applicant, after making the necessary corrections, again filed the application on 23 February 1968;

Whereas the pleas of the application to the Tribunal request:

"1. An order for the rescission of the decision of the Joint Staff Pension Board excluding the Applicant from validating for the Pension Fund his years of service as an ETAP [Expanded Technical Assistance Programme] Expert from 31 March 1952 to 1 February 1957, based on the fact that by refusing the Applicant's request for validation the Respondents infringed the Applicant's contract and conditions of employment.

"2. An order against FAO to pay to the Joint Staff Pension Fund a sum equal to 14% of the salary of the Applicant from 31 March 1952 to 31 January 1957 with interest compounded annually as the FAO's contribution to the Applicant's Pension Fund for this period.

"3. An order to the Respondents to take the necessary steps to enable the Applicant to validate these years in the Pension Fund.";

Whereas, on 11 March 1968, the application was communicated to the Director-General of FAO under article 21 of the Rules of the Tribunal;

Whereas, on 10 April 1968, the Legal Counsel of FAO reserved FAO's right to intervene in the case and requested communication of all the written submissions of the parties;

Whereas, on 29 April 1968, the Executive Secretary of the Tribunal advised the Legal Counsel of FAO that the President had agreed to have all the written pleadings communicated to FAO;

Whereas the Respondent filed his answer on 27 May 1968;

Whereas the Applicant filed written observations on 20 June 1968;

Whereas, on 28 June 1968, the Executive Secretary of the Tribunal, on the instructions of the President, asked the Legal Counsel of FAO, in view of the submissions contained in the Respondent's answer, to regard the above-mentioned communication of 11 March 1968 as a communication made under article 7, paragraph 11 of the Rules of the Tribunal, it being understood that this did not prejudice in any way the question of the competence of the Tribunal in relation to FAO;

Whereas, on 21 August 1968, the Director-General of FAO filed a statement setting forth the views of FAO with respect to the application and noting *inter alia* that "appeals relating to terms and conditions of service [of FAO staff members] ultimately fall within the competence of the Administrative Tribunal of the International Labour Organisation";

Whereas in that statement the Director-General of FAO concluded that:

"(i) The issue before the Tribunal is the validity of the Respondent's decision to the effect that the Applicant was not entitled under

the Pension Fund Regulations to validate his period of service with the Organization between 1952-1957;

- “(ii) The only aspect of the Applicant’s appeal which may be entertained by the Tribunal is the question of validation, this question only having been the subject of the appeals procedure laid down in the Administrative Rules of the Pension Fund;
- “(iii) The Applicant is not entitled to validate his service between 1952-1957 because he was precluded from doing so under article III of the Pension Fund Regulations. In any case, had any such rights existed, the Applicant did not request reconsideration of the decision made in 1957 by the Secretary of the FAO Staff Pension Committee within the prescribed time-limits, and consequently his claim should be considered as time-barred.”;

Whereas the Applicant filed a reply to the FAO statement on 16 September 1968;

Whereas, on 30 September 1968, the Legal Counsel of FAO submitted additional information and documents at the request of the President of the Tribunal;

Whereas the facts in the case are as follows:

The Applicant entered the service of FAO on 31 March 1952 under a one-year appointment as a technical assistance expert; the letter of appointment contained no provision concerning participation in the United Nations Joint Staff Pension Fund. On 31 March 1953 the appointment was extended for one year. Effective on 1 January 1954 the conditions of service for technical assistance experts were revised and the Applicant accepted the revised conditions, which had been stated to him in a letter of 10 July 1953 sent on behalf of the Chief of the Personnel Branch; participation in the Pension Fund was not mentioned in that letter. On 31 March 1954 the Applicant’s appointment was extended for one year and, on 31 March 1955, it was extended further for two years. On 1 February 1957, however, the fixed-term appointment was converted into a programme appointment. On 1 October 1959, the Applicant was transferred to the FAO Regular Programme and his appointment converted into a permanent appointment.

When the Applicant received his initial appointment, the employment of technical assistance experts was governed by Administrative Memorandum No. 233 (Suppl. 15) dated 30 January 1951, paragraph 20 of which read: “*Pension Fund*. Employees, because of their short-term employment, cannot be included in the U.N. Joint Staff Pension Fund.” This Administrative Memorandum was superseded by Administrative Memoranda Nos. 6 and 16 dated 13 and 3 October 1952 respectively, which contained no provision relating to the Pension Fund. As of 1 January 1954 Administrative Memoranda Nos. 6 and 16 were superseded by Manual Sections 370 and 371, which again contained no provisions concerning the Pension Fund. Effective 1 December 1956, however, the following provision was inserted into these Sections:

“370.347 Subject to action by the General Assembly on amendment of the Regulations of the United Nations Joint Staff Pension Fund and to T.A.B. approval, it is contemplated that holders of Program Appointments will become eligible for participation in the United Nations Joint Staff Pension Fund from the effective date of the Program Appointments, without retroactivity.”

The enabling legislation referred to in that provision was passed shortly thereafter; accordingly, when the Applicant received his programme appointment on 1 February 1957, he became eligible for participation in the Pension Fund.

While the regulations outlined above defined the general terms of employment of technical assistance experts, regulations dealing specifically with the Pension Fund were issued from time to time. Manual Section 331, dated 12 July 1950 and entitled "Pension Fund", contained the following provision:

"331.021 *Eligibility for Participation.* The term 'every full-time member of the staff of each member organization' as used in article 2 of the Pension Fund Regulations (hereinafter called the 'Regulations') means, with reference to staff members of FAO, all persons who enter the employment of FAO with fixed-term appointments of one year or more. It does not include part-time employees, consultants, or those paid on a 'when-actually-employed' or honorarium basis."

As of 2 August 1951 the above provision was amended to read:

"331.2 *Eligibility for Participation.* The term 'every full-time member of the staff of each organization' as used in article 2 [of the Pension Fund Regulations] means, with reference to staff members of FAO, all persons who enter the employment of FAO under sixty years of age with fixed-term appointments of one year or more and whose participation is not excluded by the terms of their employment. It does not include part-time employees, consultants, or persons paid on a 'when-actually-employed' or honorarium basis. It also does not include experts paid from ETAP project funds who are appointed for periods of less than two years."

On 20 September 1954, Section 331 was replaced by Manual Section 341, paragraphs 12 and 21 of which read as follows:

"341.12 *Applicability*

".121 The provisions of this Section apply to all staff members of the Organization (whether charged to Regular Program or ETAP funds) who are eligible to participate in accordance with FAO Staff Regulation 301.061 and FAO Staff Rule 302.61. . . .

".122 These provisions do *not* apply to ETAP experts (except when continuing previously established participation in the Fund), persons engaged as consultants, short-term conference staff, and other short-term staff.

" . . . "

"341.21 *Eligibility for Participation*

".211 In article II of the JSPF [Joint Staff Pension Fund] Regulations, 'every full-time member of the staff' means, *with the exception of Technical Assistance experts*, all persons under 60 years of age who enter the employment of the Organization under Permanent or Indefinite appointments, or fixed-term appointments for one year or more.

“.212 A staff member under 341.211 above, who was *not* previously eligible to participate in the Fund on appointment, becomes a member of the Fund after completion of one year's service, provided he was under sixty years of age when entering employment. Such a staff member may have his membership take effect as of the day he entered on duty by making the appropriate contribution as stated in article III of the JSPF Regulations.”

Effective 11 April 1957 those provisions were amended to read:

“341.12 *Applicability*

“.121 [No change]

“.122 These provisions also apply, effective 1 January 1957, to ETAP experts in *program appointment* status. . . . They also apply to experts who continue previously established participation in the Fund.

“.123 ETAP experts *other* than those specified in .122 above, persons engaged as consultants, temporary conference staff, and other short-term staff are *excluded* from participation in the Fund.

“ . . . ”

“341.21 *Eligibility for Participation*

“.211 In article II of the JSPF Regulations ‘every full-time member of the staff’ means, *with the exception of Technical Assistance experts holding other than Program Appointments* all persons under 60 years of age who enter the employment of the Organization under Permanent or Indefinite appointments, or fixed-term appointments for one year or more.

“.212 A staff member under 341.211 above, who was *not* previously eligible to participate in the Fund on appointment, becomes a member of the Fund after completion of one year's service, provided he was under sixty years of age when entering employment: Except as provided by .213 below, such a staff member may have his membership take effect as of the day he entered on duty by making the appropriate contribution as stated in article III of the JSPF Regulations.

“.213 Under 341.212 above, a staff member whose previous terms of appointment specifically excluded him from participation in the Fund is *not* entitled to have that period of service validated at a later date.”

The fact that he would be eligible for participation in the Pension Fund effective from the date of his programme appointment had been brought to the Applicant's knowledge by a letter of 23 January 1957 signed on behalf of the Chief of the Personnel Branch. By the same letter, the Applicant had been informed that “Under revised Pension Fund Regulations which [became] effective 7 December 1956, you are excluded from validating for Pension Fund purposes your previous service as an ETAP expert.” This statement apparently referred

to the following amended text of article III of the Pension Fund Regulations adopted by the General Assembly in resolution 1073 (XI) of 7 December 1956:

“ARTICLE III (amended text)

“1. A participant who has been in the employment of a member organization as a full-time staff member and whose participation in the Pension Fund was at that time excluded by article II of these regulations because he had entered employment under a contract for less than one year, or had completed less than one year of service, may, subject to paragraph 4 of this regulation, elect within one year of the commencement of his participation to have the period of such prior employment included in his contributory service to the extent to which he pays into the Pension Fund, in accordance with the administrative rules established for this purpose by the Joint Staff Pension Board, a sum or sums equal to the contributions which he would have paid had he been subject to these regulations throughout this period, with compound interest at 2½ per cent per annum, and provided that there had been continuity of employment. For the purposes of this article, intervals of not more than thirty calendar days in the period of employment shall not be considered as breaking the continuity of employment. The time covered by these intervals shall not be included in the period of contributory service.

“2. Payment into the Pension Fund of amounts equal to twice the amount of the payment so made by the participant shall be made by the member organization designated for that purpose in accordance with arrangements concluded by the member organizations.

“3. The earliest date from which employment with the United Nations can be validated is the first day of February 1946.

“4. Notwithstanding the provisions of paragraph 1 of this article, a participant may not make pensionable a period during which he was employed under a contract of employment which specifically excluded his participation in the Pension Fund.”

On 18 March 1957, however, the Applicant made an application to have his period of service from 30 [*sic*] March 1952 to 1 February 1957 validated for pension purposes under article III of the Pension Fund Regulations. By a letter dated 21 June 1957, the Secretary of the FAO Staff Pension Committee drew the Applicant's attention to the statement in the letter of 23 January 1957 quoted above and informed him that accordingly she was unable to take any further action in the matter. On 23 September 1964, after the Administrative Tribunal had rendered its judgement (No. 89) in the Young case, the Applicant again applied for validation of his service for the period from 31 March 1952 to 1 February 1957, in a memorandum addressed to the Secretary of the FAO Staff Pension Committee. On 5 October 1964 the Secretary informed the Applicant that his request for validation would be “submitted to the FAO Staff Pension Committee for decision, hopefully at its next meeting”. On 8 June 1966, after an exchange of memoranda between the Applicant and the Secretary from which it appeared that the matter had been turned over to the office of the Legal Counsel of FAO, the Secretary informed the Applicant as follows:

“ . . .

"The Staff Pension Committee at its meeting on 5 May 1966 considered your application and arrived at the following conclusions, taking into account the opinion of the Organization's Legal Counsel:

"(a) The time limits set forth in the Pension Fund Regulations and Administrative Rules for applying for validation and for requesting a reconsideration of communications by the Secretary had not been observed.

"(b) Eligibility for validation did not exist since participation of EPTA [Expanded Programme of Technical Assistance] experts had been specifically excluded, under certain conditions, by the provisions of the FAO Manual during the years 1951 to 1957. The ILO Tribunal which is competent to consider complaints relating to the application of the Staff Regulations and Rules and the Manual of FAO had always considered the provisions of the FAO Manual as binding on both the Organization and the staff member.

"(c) The amendment to the Regulations which took effect in December 1956 and which in accordance with the interpretation given by the Administrative Tribunal of the United Nations required in the contract a specific exclusion from participation in the Pension Fund, could not be applied retroactively.

"In view of the question of principle involved and of the importance of the issue for the Pension Fund, the Staff Pension Committee decided to submit the matter to the Joint Staff Pension Board's Standing Committee for an opinion. Your case will accordingly be referred to the Standing Committee for consideration at its next meeting. . . ."

On 14 December 1966, the Secretary of the FAO Staff Pension Committee advised the Applicant as follows:

" . . .

"The Standing Committee considered your application at its 109th meeting on 20 October and declined to give a formal opinion in order not to deprive you of the benefit of Administrative Rules G.10 and G.11. The matter was therefore considered again by the FAO Staff Pension Committee at its 72nd meeting held on 1 December. The Committee decided to confirm its earlier decision that for the reasons already communicated to you in my memorandum of 8 June you are not entitled to validate the period in question.

"If you wish to pursue the matter further your attention is drawn to Administrative Rules G.10 and G.11. . . ."

On 13 January 1967 the Applicant informed the Secretary of his intention to appeal the decision; by two letters dated 28 April 1967 and 2 August 1967 respectively, he submitted an appeal to the Joint Staff Pension Board under Administrative Rule G.7. On 24 October 1967, the Secretary of the Pension Board informed the Applicant that the Standing Committee of the Board had rejected his appeal on the ground that "article III [of the Pension Fund Regulations] at the relevant times provided only for the inclusion of service during which the staff member had not been eligible for participation because his appointment was for less than a year or because he had completed less than one year's service." On 5 December 1967, the Applicant filed with the Tribunal the application referred to earlier.

Whereas the Applicant's principal contentions are:

1. The Applicant was eligible for participation in the Pension Fund from 31 March 1953 when his contract was extended for a second year or at least when

he completed two years of service, and was entitled to validate his prior service according to article III of the Pension Fund Regulations then in force.

2. The FAO Administration was negligent in its responsibilities and infringed on his conditions of employment when it did not enroll him in the Pension Fund as soon as he became eligible. It did not explain his rights regarding participation.

3. The FAO Staff Pension Committee was negligent in not giving adequate attention to his application for validation in 1957 and was unduly slow in considering his appeal in 1964.

4. The Joint Staff Pension Board and the FAO Staff Pension Committee rendered an erroneous decision when they ruled that he was ineligible to validate his years of service from 31 March 1952 to 1 February 1957. The Applicant's contract, in particular, did not specifically exclude him from the Pension Fund and therefore the restrictions in article III of the Pension Fund Regulations did not apply to his case.

5. While the claim for belated recognition of qualifying service is admittedly different from a claim for validation of previous non-qualifying service, in the present case these two matters must be examined together.

Whereas the Respondent's principal contentions are:

1. The arguments put forward in the application are primarily directed, not to the question of validation of non-pensionable service after the Applicant had in fact become a participant, but rather to the contention that his employing organization had an obligation to secure his admission as a participant on an earlier date. Such a claim can only be addressed to the Applicant's employing organization and pursued through the separate appeals procedures of that organization.

2. In so far as the appeal impugns the decision taken by the Respondent, it should be rejected on the ground that this decision only concerned the application of article III of the Pension Fund Regulations in a factual context, the legality of which the Respondent was neither called upon nor competent to review, and that this decision complied fully with the Pension Fund Regulations.

3. Since the Applicant did not satisfy the prerequisites for validation set out in paragraph 1 of article III of the Pension Fund Regulations and for this reasons alone could not qualify under the article, it was unnecessary to consider whether the Applicant's previous contracts of employment had "specifically excluded" his participation in the Fund for the purposes of paragraph 4 of the same article.

The Tribunal, having deliberated from 15 to 25 October 1968, now pronounces the following judgement:

I. The Applicant requests the Tribunal to rescind the decision taken by the Standing Committee of the Joint Staff Pension Board and notified to him on 24 October 1967 refusing to validate the Applicant's service as an expert of the Expanded Programme of Technical Assistance from 31 March 1952 to 31 January 1957. The Applicant also maintains as part of the presentation of his case that he was eligible to participate in the Joint Staff Pension Fund from 31 March 1953 when his contract was extended for a second year or at least when he completed two years of service, and that the FAO Administration was negligent in its responsibilities and disregarded his terms of employment when it did not enroll him in the Pension Fund as soon as he became eligible.

II. The contested decision rejecting the Applicant's appeal against a decision of 1 December 1966 by the FAO Staff Pension Committee is based on the grounds that article III of the Pension Fund Regulations in force at the relevant date only provided for the validation of service during which the staff member had not been entitled to participate in the pension system, either because the contract was for less than one year or because he had completed less than one year of service. The decision adds that the equity of the decision to bar certain categories of staff from participation in the Pension Fund prior to 1958 was not entered into by the Standing Committee.

The decision of the FAO Staff Pension Committee which is thus confirmed was based on other grounds: the Applicant was not entitled to validate his service because the participation of experts of the Expanded Programme of Technical Assistance had been specifically excluded, under certain conditions, by the FAO Manual during the years 1951-1957. It was also stated that the amendment to the Regulations which took effect in December 1956 and which, in accordance with the interpretation given by the Administrative Tribunal of the United Nations, required in the contract a specific exclusion from participation in the Pension Fund could not be applied retroactively.

Thus the Standing Committee, while upholding the refusal to validate, based itself on quite different considerations from those advanced by the FAO Staff Pension Committee.

III. The contested decision taken by the Standing Committee of the Joint Staff Pension Board concerns the request for validation of service prior to the enrolment of the Applicant in the Fund. This decision is based on article III, paragraph 1 of the Pension Fund Regulations as it was in force since 7 December 1956.

The Tribunal notes that there was no other generally applicable provision concerning validation, as there had been in the Young case (Judgement No. 89), on which the Applicant could have relied at the time when, having been admitted to the Pension Fund, he was seeking to have his previous service validated.

In the present case the Tribunal notes that article III, paragraph 1, of the text then in force—unlike previous and subsequent texts—only provided for validation of previous service in the case of persons whose participation in the Pension Fund had been excluded because they had entered employment under a contract for less than one year or had completed less than one year of service. This is linked to the provisions of article II on participation in the Fund and to the conditions which this text stipulated in the wording which was in force until 31 December 1957. The facts of the case, however, show that the Applicant was in neither of the situations covered by article III, paragraph 1. Accordingly the Applicant could not avail himself of article III concerning validation at the time of his enrolment in the Fund on 1 February 1957 when he received a programme appointment.

IV. The Applicant argues that, when his contract was extended for a second year on 31 March 1953 or at least when he completed two years of service, he was entitled to enrolment in the Joint Staff Pension Fund under FAO Manual Section 331 in force as of 2 August 1951 and to validation of his prior services under article III of the Pension Fund Regulations in force as of 1 January 1953, and that FAO, by failing to ensure this enrolment, had not fulfilled its contractual obligations. The Respondent maintains that this question concerns FAO and the

interpretation given by that organization to the Applicant's contract, that the Respondent has no direct responsibility in this respect and that this issue is not properly before the Tribunal.

In the statement presented to the Tribunal by FAO, that organization pointed out that the question whether the Applicant was entitled prior to 1 February 1957 to be enrolled in the Pension Fund was unrelated to the contested decision. The sole decision which was subject to review by the Tribunal was the decision whereby the Respondent had rejected the Applicant's claim to validation of a period of non-contributory service. No appeal had been lodged prior to 1957 concerning the Applicant's alleged right to enrolment in the Pension Fund. Moreover, this question concerning the interpretation of the Applicant's conditions of employment could be subject only to the internal appeal procedures of the organization, which provided for ultimate recourse to the Administrative Tribunal of the International Labour Organisation.

V. The Tribunal notes that, since the Applicant entered the service of FAO, the Pension Fund Regulations on conditions of participation have always contained the reservation "provided that . . . participation is not excluded by [the staff member's] contract of employment" (article II).

Thus, in order to decide whether the Applicant was entitled before 1957 to participate in the Joint Staff Pension Fund, it would be necessary to establish *inter alia* whether the contract did not exclude his participation in the Fund.

In claiming that he was entitled to participation, the Applicant referred to his letters of appointment and to the FAO administrative manuals. The initial letter of appointment did not contain any explicit provision excluding the right to participation in the Pension Fund. Manual Section 331, revised on 2 August 1951, provided as to the right to participate in the Fund that the term "every full-time member of the staff of each organization" did not include "experts paid from ETAP project funds who are appointed for periods of less than two years", and there is a question whether, on the basis of this text, the Applicant was entitled to participate in the Pension Fund.

The question of whether or not the contract excluded participation can be determined only by an examination of the contract of the staff member and of the legal provisions in force in the organization concerned.

There is nothing in the file to indicate that this question has been the subject of any administrative decision open to appeal.

Moreover, if there had been a decision subject to appeal, the question would arise as to what jurisdiction would be competent.

VI. According to the preamble of the Special Agreement of 29 September 1955 between the United Nations Secretary-General and the Director-General of FAO extending the jurisdiction of the Administrative Tribunal of the United Nations to FAO with respect to applications by FAO staff members alleging non-observance of the Pension Fund Regulations, the Joint Staff Pension Board recorded its understanding that "for matters involving the Regulations of the United Nations Joint Staff Pension Fund full faith, credit and respect shall be given to the proceedings, decisions and jurisprudence of the Administrative Tribunal, if any, of the agency concerned relating to the staff regulations of that agency, as well as to the established procedures for the interpretation of such staff regulations".

When, in a case involving participation of a FAO staff member in the Fund, the dispute relates mainly to the interpretation of his contract and of the

FAO regulations and rules applicable to him, it would appear from article XI of the Staff Regulations of FAO that the International Labour Organisation Administrative Tribunal would be the competent jurisdiction.

The Tribunal observes that while it is the Staff Pension Committee of the organization which is responsible for transmitting every month notifications of new enrolments to the Secretariat of the Joint Staff Pension Fund, it is the Personnel Branch of the organization which, according to the FAO Manual, is responsible for determining who is entitled to participate in the Fund.

In the present case, the Applicant has availed himself of an application within the competence of the United Nations Administrative Tribunal to add certain contentions which, if they could be accepted, would in practice lead to the same result as the application.

However, those contentions—which in any event have not been the subject of prior administrative procedures—do not come within the competence of the United Nations Administrative Tribunal for the reasons indicated above.

VII. The Applicant contends that the FAO Administration was negligent in its responsibilities and failed to explain to him his rights regarding participation in the Pension Fund.

The Tribunal observes that the nature of the Applicant's functions as a technical assistance expert, as well as the fact that he was stationed away from Headquarters at the critical time, made it particularly difficult for him to establish his rights. However, those considerations cannot affect the conclusions which the Tribunal reaches on the basis of the applicable texts.

VIII. For these reasons, the Tribunal rejects the pleas of the application relating to the decision of the Standing Committee of the Joint Staff Pension Board notified to the Applicant on 24 October 1967 and decides that it is not competent to take cognizance of the contentions relating to the right of participation which might have been conferred upon the Applicant prior to 1957.

(Signatures)

Suzanne BASTID
President

CROOK
Vice-President

Z. ROSSIDES
Member

L. IGNACIO-PINTO
Alternate Member

Jean HARDY
Executive Secretary

New York, 25 October 1968.

Judgement No. 120

(Original: English)

Case No. 117:
Khederian

**Against: The Secretary-General
of the United Nations**

Request for rescission of a decision taken by the Secretary-General on the recommendation of the Advisory Board on Compensation Claims, on the grounds that the procedure did not meet the requirements of due process.