

(Signatures)

R. VENKATARAMAN
President

Suzanne BASTID
Vice-President

New York, 14 October 1976

Endre USTOR
Member

Jean HARDY
Executive Secretary

STATEMENT BY MR. R. VENKATARAMAN

I have participated in the discussions and read the draft English translation of the Judgement and I concur with the decision.

New York, 14 October 1976

(Signature)
R. VENKATARAMAN

Judgement No. 214

(Original: English)

Case No. 196:
El-Naggar

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

Non-renewal of a fixed-term appointment.

Measures taken by the Respondent in application of Judgement No. 205.—Technical assistance posts offered to and refused by the Applicant.—Consideration of the question whether the offer of those posts constitutes compliance with Judgement No. 205 and whether by refusing to consider those offers the Applicant has forfeited his claims against the Respondent.—Previous decision of the Tribunal that the offer of certain technical assistance posts did not conclude the Applicant's rights in the absence of details regarding the emoluments, rank and nature of those posts.—The infirmity which the Tribunal noted in the earlier offers of technical assistance posts has been cured, details regarding their emoluments, rank and nature having been provided by the Respondent.—Fact that the Respondent made a search for a post for the Applicant under the 100 Series of the Staff Rules.—It cannot be inferred from this that the Respondent has conceded that the offer of technical assistance posts under the 200 Series did not amount to compliance with the judgement.—Contention of the Applicant that the offer of two posts was not bona fide.—Consideration and rejection of the contention.—Conclusion of the Tribunal that, in making the offer of the technical assistance posts, the Respondent has fulfilled the obligations imposed on him by Judgement No. 205.—Application rejected.

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. R. Venkataraman, President; Madame Paul Bastid, Vice-President; Sir Roger Stevens; Mr. Endre Ustor, alternate member;

Whereas, on 21 February 1975, Said El-Naggar, a staff member of the United Nations Conference on Trade and Development, hereinafter called UNCTAD, filed with the Tribunal an application requesting *inter alia* that he be placed by the Respondent in an appropriate established D-2 post for a period of five years;

Whereas, by its Judgement No. 205 of 9 October 1975, the Tribunal, while rejecting in paragraph XI(3) the Applicant's plea for an order to the Respondent to place the Applicant in an appropriate established D-2 post for a period of five years, ordered in paragraph XI(2) the Respondent

“... to make a fair and objective attempt to place the Applicant in a suitable position within three months from the date of the judgement and, should he exercise his option under article 9, paragraph 1 of the Statute of the Tribunal, to pay compensation equal to six months' net base salary”;

Whereas, on 30 April 1976, the Applicant filed an application requesting the Tribunal to rule:

“(a) that the Respondent has failed to give effect to paragraph [XI(2)] of Judgement No. 205 of the Administrative Tribunal according to which he was ordered to make a fair and objective attempt to place the Applicant in a suitable position within three months from the date of the judgement on 9 October 1975.

“(b) that the Applicant is entitled to compensation equal to six months' net base salary as specified in paragraph [XI(2)] of Judgement No. 205 of the Administrative Tribunal.”;

Whereas the Respondent filed his answer on 27 May 1976;

Whereas the Applicant filed written observations on 18 June 1976;

Whereas the facts in the case, subsequent to Judgement No. 205, are as follows:

On 28 October 1975, in memorandums addressed to the Director of the Division of Recruitment of the Office of Personnel Services, to the Under-Secretary-General for Economic and Social Affairs, to the Director of the Division of Personnel of the United Nations Development Programme (UNDP) and to the Director of the Administration Division of the United Nations Children's Fund (UNICEF), the Director of the Division of Personnel Administration of the Office of Personnel Services drew their attention to paragraph XI(2) of Judgement No. 205 and asked them to review all available opportunities for placing the Applicant in a post at the D-2 or L-7 level in the area covered by the Technical Assistance Recruitment Service (TARS), in the Department of Economic and Social Affairs (or in one of the regional economic commissions), in UNDP and in UNICEF respectively; on the same day he also cabled similar communications to the Director of the Administrative and Financial Services of the United Nations Office at Geneva, to the Secretary-General of UNCTAD and to the Executive Director of the United Nations Industrial Development Organization (UNIDO). On 4 November 1975 the Director of the Division of Personnel Administration submitted the candidatures of five persons, including the Applicant, for the post of Director (D-2) of the Policy Analysis Division of the Information and Research Centre on Transnational Corporations. On 14 November 1975 TARS sent the following cable to the Applicant:

“Glad advise you recommended for one year post Tonga-031-017-X as Senior Planning Economist and one year post Somalia-030-131-M as Project Manager Senior Development Planning Adviser. Grateful confirm you are interested. Ready offer you salary equivalent level seven step two.”

On 18 November 1975 TARS sent to the Applicant another cable reading:

“Following . . . cable of 14 November 1975 glad advise your qualifications evaluated favourably post Chief Economist Swaziland (SWA-030-025-OPAS) in addition to previously mentioned posts. Please note this post under OPAS [Operational Assistance] arrangement. Copy job description and papers describing OPAS being pouched. Please advise if interested in Swaziland post also.”

By a letter dated 20 November 1975 the Applicant was advised of the Secretary-General's intention to attempt to place him in a suitable position and not to exercise

the option, provided in article 9, paragraph 1 of the Statute of the Tribunal, to pay compensation in lieu of such further action. On 3 December 1975 the Chief of Staff Services of the Office of Personnel Services wrote to the Applicant the following letter:

“As requested by the Administrative Tribunal in judgement No. 205, we are further attempting to find a suitable position for you in the Secretariat. Our Technical Recruitment Service is already communicating with you concerning project personnel posts under the 200 series rules.

“Apart from this possibility, we have located two vacancies at the D-2 level under the 100 series rules: the post of Deputy Executive Secretary ECE (Geneva) and the post of Director in the newly created Information and Research Centre on Transnational Corporations (New York).

“I would very much appreciate it if you would let me know whether you are interested in being considered among the candidates for these two posts.”

On 12 December 1975 the Applicant's counsel wrote to the Secretary-General a letter in which, after referring to the two cables of 14 and 18 November 1975 from TARS to the Applicant, he stated:

“In response to the cables to Mr. El-Naggar, I wish to point out that the technical assistants jobs contained in those cables are fundamentally similar to, if not identical with, those offered before in January 1975, following the recommendation of the Joint Appeals Board.

“I regret to inform you that, for the reasons already stated in the Application and the Supplemental Memorandum of October 1, 1975, as well as in my presentation before the Tribunal, Mr. El-Naggar is unable to accept such offers. Furthermore, I hereby submit that the offers by no means constitute a genuine compliance with the judgment of the Administrative Tribunal. Clearly, they are neither fair nor objective attempts to place Mr. El-Naggar in a suitable position as directed by the Tribunal.”

On 17 December 1975 the Applicant sent the following cable to the Chief of Staff Services in reply to his letter of 3 December 1975:

“Reference your letter 3 December accept candidacy for post Deputy Executive Secretary ECE Geneva or Director Transnationals New York preference for Geneva post . . .”

On 22 December 1975 the Director of the Division of Personnel Administration asked the Executive Director of the Information and Research Centre on Transnational Corporations to interview the Applicant and review his candidature. On 9 January 1976 the Executive Director replied that he would be pleased to interview the Applicant should he come to New York. On 19 January 1976 the Director of the Division of Personnel Administration cabled the Applicant as follows:

“Re your cable eighteen [seventeen] December. Post Deputy Executive Secretary ECE Geneva no longer available due to unforeseen extension of incumbent's appointment. However Executive Director UN Center on Transnational Corporations pleased to consider you among other candidates for the post of Deputy Executive Director at DDD-two level in New York and would like to interview you in New York. Please advise soonest suitable date for interview. We will then cable confirmation after consulting Executive Director and specify travel arrangements”

On 20 January 1976 the Applicant apparently replied by cable that he was ready to come to New York on 4 February, but it appears that his cable was not received by Headquarters in New York. On 5 February 1976 the Applicant sent the following cable to the Director of the Division of Personnel Administration:

“Reference my tel 20 January suggesting appointment with ExecDirector

Transnationals four February received neither confirmation nor travel arrangement appreciate explanation”

By a cable dated 11 February 1976 the Director of the Division of Personnel Administration replied:

“AAA Re your cable five February.

“BBB your cable twenty January was not repeat not received.

“CCC Executive Director UUUNNN Centre on Transnational Corporations now advises that after considering all candidates he has already made his selection and is recommending the appointment of another candidate and that there is no reason for your travel to Headquarters now.

“DDD No other suitable vacancy at DDD two level available at this time.

“EEE From your lawyer’s letter dated twelve December responding to cables addressed to you concerning posts at the LLL seven level, we understood that you were not interested in being considered for technical assistance posts in the field.

“Regret in the circumstances no immediate possibility for your placement at your former salary level.”

On 1 March 1976, in a letter addressed to the Secretary-General, the Applicant’s counsel reviewed the steps taken to implement Judgement No. 205, concluding:

“Clearly, this situation cannot continue indefinitely. A decision has to be taken in order to give effect to paragraph [XI(2)] of the above-mentioned judgement according to which ‘a fair and objective’ attempt should be made to ‘place the Applicant in a suitable position within three months from the date of the judgement’, failing which the Applicant is to be paid ‘compensation equal to six months’ net base salary’.

“It is now more than four months since the date of the judgment of the Administrative Tribunal, and more than one year since the Joint Appeals Board’s recommendation, which you accepted, to place Mr. El-Naggar in a suitable position. It is submitted, under these circumstances, that Mr. El-Naggar is entitled to the above-mentioned compensation. However, should you disagree with this position, Mr. El-Naggar is prepared to submit the matter to the Administrative Tribunal, seeking an interpretation of its own judgment. The facts of the case since the date of the judgment are not in dispute. The question at issue is whether or not, under the circumstances, compensation is due to Mr. El-Naggar in accordance with paragraph [XI(2)] of the judgment of the Administrative Tribunal.

“It will be appreciated if you would let me know your view on Mr. El-Naggar’s entitlement to compensation, and, in case you think he is not entitled, whether or not you consent to submit the matter to the Administrative Tribunal in accordance with paragraph 1, Article 7 of the Statute of the Administrative Tribunal.”

On 5 April 1976 the Assistant Secretary-General for Personnel Services replied:

“ . . .

“Inasmuch as the Secretary-General did not exercise his option to decide, within thirty days of the judgement, to pay six months’ salary to Mr. El-Naggar as an alternative to taking any further action in the case, no compensation was payable under paragraph [XI(2)] . . . of the Tribunal’s judgement.

“It is the Secretary-General’s position that Mr. El-Naggar’s rights and entitlements under Judgement No. 205 have been fully observed by the payment to him of three months’ salary and \$800.00 costs and by a fair and objective attempt to place him in a suitable position.

“Should Mr. El-Naggar nonetheless wish to allege otherwise before the Tribu-

nal, then the Secretary-General would agree, without prejudice to any position on any other issue, that no prior submission to the Joint Appeals Board need be made.”

On 30 April 1976 the Applicant filed with the Tribunal the second application referred to earlier.

Whereas the Applicant’s principal contentions are:

1. The technical assistance jobs offered in Tonga, Somalia or Swaziland were clearly below the Applicant’s rank as a holder of an established D-2 post even if the Applicant was made to earn the same salary as that of a D-2. In fact, technical assistance jobs of that kind are usually filled by project personnel at not more than level 5. Moreover, level 5 in any of such jobs corresponds, as a matter of practice, to an established P-4 post. The Respondent himself apparently realized that such offers could not possibly qualify as fair and objective attempts at placing the Applicant in a suitable position.

2. It is abundantly clear that the ostensible offer of the two posts at D-2 level was not *bona fide*. One of the two posts had apparently not been available at all. The other was disposed of without even going into the formality of an interview.

3. The implementation of the Tribunal’s judgement would become, in effect, a matter for the sole discretion of the Respondent if his obligation under paragraph XI(2) of the judgement was concluded by simply declaring that he is not paying compensation and by going through the motions of sending a few cables to the Applicant. The alternative to the payment of six months’ net base salary is clearly “the placement of the Applicant in a suitable position”, and not the dispatch of a few cables. The only way to escape both the obligation to pay compensation and the obligation to place the Applicant in a suitable position is to show that the failure to place the Applicant within the specified time period was due to arbitrary rejection by the Applicant of a reasonable offer made by the Respondent. It is clear from the facts that this is not the case.

Whereas the Respondent’s principal contentions are:

1. Efforts going beyond those necessary to perform the limited obligation found by the Tribunal in Judgement No. 205 were made by the Respondent for three months subsequent to the judgement.

2. The Applicant, by refusing to consider available posts at level 7, forfeited any right to complain about the Respondent’s efforts in regard to other posts subsequently. The Respondent might well have been justified in interrupting all efforts when the Applicant refused to consider any technical assistance jobs; but the fact that these efforts none the less continued for the full period ordered by the Tribunal can hardly be deemed to imply the Respondent’s agreement that technical assistance posts were not appropriate. The Applicant’s statements arguing that technical assistance posts were not suitable are either irrelevant, incorrect or not supportive of his position. It is not for the Applicant to characterize a post as unsuitable if responsible officers have evaluated his qualifications for a particular assignment and TARS is prepared to recommend him at his previous United Nations salary level. The Applicant is not a staff member and is not obliged to consider any particular United Nations assignment, but his assertion of a right to receive more compensation from the United Nations while refusing to consider working at possible United Nations jobs at his salary level would be unfounded regardless of his contractual situation and is frivolous in the actual circumstances of the case.

3. Apart from failing to establish violation of any right recognized in Judgement No. 205, the Applicant indicates no basis whatever for his claim to compensation, since the Secretary-General did not exercise his option to pay compensation in lieu of the

action ordered and since no basis for compensation or damages has been alleged in the application.

The Tribunal, having deliberated from 28 September to 14 October 1976, now pronounces the following judgement:

I. In its Judgement No. 205 the Tribunal, while denying the Applicant's claim for continued employment with the United Nations, held nevertheless that the Respondent had not fulfilled the obligations arising out of his acceptance of the recommendations of the Joint Appeals Board and ordered that, in respect of the non-compliance with the recommendation that the Respondent should seek to keep the Applicant on the staff, the Respondent should pay three months' net base salary to the Applicant. In respect of the recommendation of the Joint Appeals Board that the Respondent should seek to offer the Applicant a new and appropriate appointment at the expiry of his contract, the Tribunal ordered the Respondent "to make a fair and objective attempt to place the Applicant in a suitable position within three months from the date of the judgement and, should he exercise his option under article 9, paragraph 1 of the Statute of the Tribunal, to pay compensation equal to six months' net base salary". The Respondent accepted the obligation to make a fair and objective attempt to place the Applicant in a suitable position within three months and he elected not to exercise the option to pay compensation in lieu of further action being taken in the case. The Applicant contends that the Respondent has failed to give effect to the Judgement of the Tribunal and claims as compensation entitlement to six months' net base salary.

II. The Respondent has produced a number of memorandums and cables addressed to several authorities such as the Director of the Division of Recruitment of the United Nations, the Under-Secretary-General for Economic and Social Affairs, the Director of the Division of Personnel of UNDP, the Director of the Administration Division of UNICEF, the Secretary-General of UNCTAD, the Executive Director of UNIDO, etc., requesting them to review all available opportunities for placing the Applicant in a post at the D-2 or L-7 level. But there was a negative response from many of these authorities.

III. TARS however offered the Applicant:

(1) the post of a Senior Planning Economist in Tonga for one year with the possibility of extension;

(2) the post of Project Manager, Senior Development Planning Adviser in Somalia for one year with the possibility of extension; and

(3) the post of Chief Economist in Swaziland, each at level 7, step 2, carrying remuneration equivalent to a post at the D-2 level. In reply to these offers, the Applicant's counsel wrote to the Secretary-General that the Applicant was unable to accept such offers and that the offers did not constitute genuine compliance with the judgement of the Tribunal. The Applicant contends that the technical assistance posts in Tonga, Somalia and Swaziland were similar to those which were offered to him in Lesotho, Viet Nam and Libya shortly after the recommendation of the Joint Appeals Board and which were rejected by him as "clearly below the Applicant's rank as a holder of an established D-2 post". According to the Applicant, even if the salary offered in the technical assistance posts was equal to that of a D-2, it would have placed the Applicant in a position inferior to his previous position and these posts correspond, as a matter of practice, only to an established post at the P-4 level.

The Respondent argues that the technical assistance posts are not graded, that the salary level is determined on the basis of the experience, the qualifications and the previous salary of the particular candidate recommended, and that by refusing to consider available technical assistance posts the Applicant had forfeited his right to claim any post.

IV. The Tribunal has therefore to consider whether the offer of the technical assistance posts constitutes compliance with Judgement No. 205 and whether by refusing to consider those offers the Applicant has forfeited his claims against the Respondent. The Tribunal observes that, after the Joint Appeals Board recommended that the Secretary-General should seek to keep the Applicant on the staff and to offer him a new and appropriate appointment, the Respondent offered the Applicant technical assistance posts for one year in Lesotho, or two years in Viet Nam, or one year in Libya. Dealing with the Respondent's argument that non-acceptance by the Applicant of the offer of technical assistance posts absolved the Respondent of any further responsibility to find a new and appropriate post for the Applicant, the Tribunal stated in paragraph VII of its Judgement No. 205:

“Even the cable inquiring as to the Applicant's willingness to be considered for the technical assistance posts did not disclose the rank and emoluments of those posts. The Applicant has argued that those posts were inferior in rank and emoluments to his position of D-2. During the oral proceedings the Respondent submitted that the rank and emoluments of some of the technical assistance posts were comparable to the Applicant's position. The Tribunal notes that the cable referred to above was not followed up by a letter giving details regarding rank and emoluments. In the circumstances, the Tribunal holds that the Applicant's non-acceptance of the offer of technical assistance posts does not conclude the Respondent's obligation to make a fair and objective effort to provide the Applicant with an appropriate appointment.”

It is possible that the Applicant thought that, because the Tribunal had earlier held that the offer of certain technical assistance posts did not conclude the Applicant's rights, he was entitled to reject the new offer of technical assistance posts also. But it appears from the passage in the judgement quoted above that the Respondent, while making the earlier offer of technical assistance posts, did not explain the rank, the salary or the functions of those posts. It was only during the proceedings before the Tribunal in the earlier case that the Respondent explained that some of the technical assistance posts carried emoluments equal to those of a D-2. At the time the offer was made, the Respondent did not inform the Applicant that the posts offered to him carried emoluments equal to those of a D-2. The Tribunal felt that, in the absence of details regarding the emoluments, the rank and the nature of the assignment, the Applicant was justified in not accepting those offers and that the Applicant was not precluded from asserting his rights.

V. In the present case, however, the cabled offers described the posts. For instance, in Somalia, the post offered was that of Project Manager, Senior Development Planning Adviser; in Swaziland the post was that of Senior Economist and, in Tonga, the post was that of a Senior Planning Economist, all carrying a salary equivalent to that of a D-2. It would therefore appear that the infirmity which the Tribunal noted in the earlier offers of technical assistance posts in Lesotho, Viet Nam and Libya has been cured and that the details regarding emoluments, rank and nature of the job have been provided by the Respondent in the later offers.

The Applicant contends that the technical assistance posts are “inferior” to that of a D-2 post and that he is entitled to refuse them without forfeiting his claim for a suitable post at the D-2 level. The Tribunal observes that the ground upon which the Tribunal decided that the earlier offers of technical assistance posts did not conclude the Applicant's rights was the absence of details regarding the rank and emoluments of those posts. The Tribunal did not evaluate the relative hierarchy of technical assistance posts with D-2 posts, nor did it reach the conclusion that the Applicant's rejection of those offers was justified on the ground that technical assistance posts were inferior to D-2 posts.

The Applicant argues that, by making a search for a post under the 100 Series of the Staff Rules, the Respondent conceded that the offer of technical assistance posts under the 200 Series did not amount to compliance with the judgement and that the Applicant was justified in rejecting the technical assistance posts. The Tribunal is unable to draw any such inference from the conduct of the Respondent. On the contrary, such conduct strengthens the plea that the Respondent was exploring every possible avenue of employment and was sparing no effort to carry out the directives of Judgement No. 205.

VI. The Applicant contends that the offer of the post of Deputy Executive Secretary of the Economic Commission for Europe (Geneva) and the post of Director in the newly created Information and Research Centre on Transnational Corporations (New York) was not *bona fide* as the first had not been available at all and the second was disposed of without even the formality of an interview. As far as the post of Deputy Executive Secretary of the Economic Commission for Europe was concerned, the Tribunal observes that the Office of Personnel Services did not receive a favourable response for the extension of the service of the incumbent from his national Government and regarded the post as available from 1 January 1976. It appears that the Government later agreed to the extension of the service of the incumbent and therefore the vacancy did not arise. In the circumstances, the Tribunal is unable to conclude that the offer of the post of Deputy Executive Secretary of the Economic Commission for Europe was not *bona fide*.

As regards the offer of the post of Director in the Information and Research Centre on Transnational Corporations, the Tribunal observes that there is some conflict of evidence. The Applicant received a cable dated 19 January 1976 inquiring about his interest in the post and inviting him to suggest a suitable date for an interview. The Applicant claims that he replied on 20 January 1976 by cable agreeing to come to New York on 4 February for an interview, but the Respondent denies the receipt of such a cable. However, the Applicant sent another cable on 5 February inquiring about his cable of 20 January and about the interview for the post. The Tribunal notes that, while the copy of the cable dated 17 December 1975 giving the Applicant's concurrence to the post of Deputy Executive Secretary of the Economic Commission for Europe and the copy of the cable dated 5 February 1976 inquiring about his interview bear the post office seal, the copy of the cable dated 20 January 1976, alleged to have been sent by the Applicant, does not bear such post office seal. The Tribunal has not considered it necessary to accede to the Respondent's suggestion that "a copy of the cable, either as sent by the sending office or as receipted by the sending office, might be requested from the Applicant" as its judgement does not rest on a finding on this issue. Whether the cable dated 20 January 1976 was not sent or was not received is immaterial as it is on record that the Applicant's name was submitted at the top of the list along with four other candidates having similar qualifications, rank and seniority for consideration by the Executive Director for the post of Director in the Information and Research Centre on Transnational Corporations. It appears that for reasons of his own, the Executive Director chose a person from outside the list. It is surprising that the Applicant, who claims that he sent a cable on 20 January 1976, did not care to ascertain until 5 February, either directly or through his lawyer in Washington, as to whether and, if so, when the interview was fixed. The Applicant had been acting through his lawyer and, as a matter of fact, the refusals of technical assistance posts were sent not by him but by his lawyer in Washington. If the Applicant was keen on the post, he could have easily ascertained information about it much earlier than 5 February 1976.

VII. The Tribunal in its Judgement No. 205 did not cast an absolute obligation on the Respondent to place the Applicant in a post at the D-2 level but only directed the Respondent to make a fair and objective attempt to place the Applicant in a suitable

position. On a review of the foregoing facts, the Tribunal finds that the offer of technical assistance posts at level 7, step 2, at a salary equal to that of a D-2 as Senior Economist or Adviser to countries like Tonga, Somalia and Swaziland was a fair and objective attempt by the Respondent in compliance with Judgement No. 205 and that the Applicant's plea that those posts were inferior to a D-2 post reflects only his subjective assessment of the jobs offered to him. The Tribunal concludes that, in making the offer of the technical assistance posts, the Respondent has fulfilled the obligations imposed on him by Judgement No. 205. The Tribunal cannot resist the inference that the Applicant, who was employed in a bank in Kuwait, was not eager to avail himself of the offers made to him.

VIII. The Tribunal further holds that the consideration given to the Applicant's candidature for the post of Deputy Executive Secretary of the Economic Commission for Europe and for the post of Director in the Information and Research Centre on Transnational Corporations was *bona fide* and that there was no lack of good faith in the efforts made to find a suitable position for the Applicant.

IX. For the foregoing reasons, the Tribunal rejects the application.

(Signatures)

R. VENKATARAMAN
President

Suzanne BASTID
Vice-President

Roger STEVENS
Member

New York, 14 October 1976

Endre USTOR
Alternate Member
Jean HARDY
Executive Secretary

Judgement No. 215

(Original: English)

Case No. 205:
Ogley

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

Request of a former technical assistance expert for payment of compensation for injury attributable to the conduct of a UNDP Resident Representative.

Charges of the Applicant against the Resident Representative and Assistant Resident Representative, against the local UNDP Office and against the Respondent.—Objection that the application is not receivable since it does not appear to be directed against any violation of contractual or statutory rights nor to contest a decision affecting the Applicant's terms of appointment.—The Respondent is in reality questioning the competence of the Tribunal.—Since the Applicant is alleging violation of his implied conditions of service, the Tribunal is competent to subject the case to its scrutiny.

Summary of the most relevant actions and events.—Consideration of the question whether the Applicant suffered any injury to his reputation, professional injury or other damages as a result of actions or procedures for which the Respondent can properly be held responsible.—Charge of defamation.—Consideration of the allegations of the Resident Representative.—Conclusion of the Tribunal that in all the circumstances the charge of defamation cannot be sustained.—Charge of professional injury.—