

**ADMINISTRATIVE TRIBUNAL  
OF THE AFRICAN DEVELOPMENT BANK**

QUORUM:	Professor GLELE AHANHANZO	President
	Professor Christian TOMUSCHAT	Member
	Professor Yadh Ben ACHOUR	Member
	Judge Salihu Modibbo Alfa BELGORE	Member

**APPLICATION N° 2006/03**

Mr. T. O., Applicant

African Development Bank, Respondent

Order of the Tribunal delivered on 22 November 2007

**I. THE FACTS**

1. Following a competitive recruitment test organized by the African Development Bank on 30 and 31 October and 3 November 2003 for 3 positions on grade levels PL.4, PL.5 and PL.6 in the Audit Department, the Applicant, Mr. T. O., was offered an appointment by a letter of recruitment dated 3 March 2004. Ranked first by the panel for the PL.6 position, he assumed duty on that grade level on 21 May 2004.
2. The Applicant states that he subsequently became aware, on consulting his personal file, that the panel had in fact ranked him 1st for the PL.6 position and 3rd for the PL.4 position. Since the candidate ranked first and selected for PL.4 had declined the offer (according to the Applicant, the second place for PL.4 was not filled), the position should legitimately have gone to the Applicant, because he was the next candidate in line.
3. On 21 February 2005, the Applicant contacted the Human Resources Management Department, CHRM, to request the adjustment of his grade in keeping with the panel ratings. His request was turned down. He next filed a request for review with the Vice-President CMVP, which was also rejected on 10 June 2005. The Applicant then referred the matter to the Staff Appeals Committee, lodging an appeal on 31 May 2005. The Appeals Committee denied his request. He then filed an Application with the Bank's Tribunal.

**II. THE PROCEDURE**

4. The Application was filed with the Tribunal Secretariat on 16 May 2006 and the Bank's Response was provided on 21 June 2006. The Applicant's Reply was submitted on 20 August 2006 and the Respondent's Rejoinder on 5 October 2006. The Application hearing was scheduled for the Tribunal session of 20 November to 1 December 2006. However, on 20 October 2006, the Applicant sent to the Executive Secretary an electronic mail message requesting that the hearing of his application be postponed to the following session.

5. The Applicant subsequently requested the withdrawal of his application, by correspondence dated 29 January 2007, filed on 12 February 2007. He explained in the correspondence that he had left the Respondent's services since 31 December 2006 and that his Application submitted to the Tribunal was no longer necessary.
6. At the opening of the session of 19 November, the Tribunal invited the Respondent to indicate whether it had any objection to the proposed withdrawal. The Respondent stated that it had no objection. The Tribunal has duly noted the position.

### **III. THE DECISION**

7. On these grounds,

The Tribunal, noting the Applicant's withdrawal, thus orders that the case be deleted from the case roster.

Professor Maurice GLELE AHANHANZO    President

Mrs. Marie Lydie BILE-AKA

*Ad Hoc* Executive Secretary

### **THE APPLICANT**

Absent

### **RESPONSENT'S COUNSEL**

Mr. Dotse TSIKATA