

Mohammad Ahmed Khan Humaiyun,  
Applicant

v.

International Bank for Reconstruction and Development,  
Respondent

Order No. 2002-21

1. The World Bank Administrative Tribunal received on October 15, 2002 an application by Mohammad Ahmed Khan Humaiyun against the International Bank for Reconstruction and Development. The case has been decided by a Panel of the Tribunal, established in accordance with Article V(2) of its Statute, and composed of Francisco Orrego Vicuña (President of the Tribunal) as President, Bola A. Ajibola (a Vice President of the Tribunal) and Robert A. Gorman, Judges.

2. In this application, the Applicant raises two claims, the first concerning reimbursement for his medical and related expenses, and the second concerning a Termination Grant for his service as a Long-Term Consultant in the Bank's Country Office in Islamabad, Pakistan.

3. As the Applicant has not exhausted internal remedies with regard to his claims, his application is clearly irreceivable.

4. The Tribunal finds, moreover, that even had the Applicant exhausted internal remedies, his claim for reimbursement of his medical and related expenses would be inadmissible as having been filed out of time. The events underlying this claim occurred in the mid-1990s, and neither the Bank's letter of April 29, 2002 to him denying his claim, nor any subsequent correspondence between him and the Bank, would reopen the time limit applicable to his claim.

5. With regard to the Applicant's claim for a Termination Grant, however, the record is considerably less clear as to when, if ever, the Applicant received proper notice as to his eligibility for such payments. The Respondent informed the Applicant in its April 29, 2002 letter that the Applicant had in the past received a "premium" factored into his salary in lieu of a Termination Grant. The Respondent noted, however, that the payment of the premium could have been "easily overlooked," as the Applicant's letter of appointment had not been modified to reflect the payment. The failure to modify the Applicant's letter of appointment throws into serious question whether the Bank properly fulfilled its obligation to follow proper procedures with respect to the Applicant, a member of the Bank's field staff. (*See Mustafa*, Decision No. 207 [1999] at para. 35; *Arefeen*, Decision No. 244 [2001] at para. 51.)

6. The Tribunal for this reason orders the parties to attempt settlement of the Applicant's Termination Grant claim through mediation or other informal means. Even if the matter is beyond the Tribunal's jurisdiction, the Tribunal feels that such an attempt at settlement would be in the best interest of justice.

**Decision**

The Tribunal decides that:

(i) the application shall be summarily dismissed; and

(ii) the parties shall attempt settlement of the Applicant's claim regarding the Bank's alleged failure to provide him with a Termination Grant.

/S/ Francisco Orrego Vicuña

Francisco Orrego Vicuña

President

/S/ Nassib G. Ziadé

Nassib G. Ziadé

Executive Secretary

At London, England, December 14, 2002