

Case T-117/89

Paul F. Sens

v

Commission of the European Communities

(Official — Education allowance — Recovery of undue payment)

Judgment of the Court of First Instance (Third Chamber), 10 May 1990 186

Summary of the Judgment

Officials — Recovery of undue payment — Conditions — No due reason for payment — Recipient aware of that fact — Criteria (Staff Regulations, Art. 85)

An official is aware, within the meaning of Article 85 of the Staff Regulations, that there was no due reason for payments made by the administration under Article 67(1) if, in view in particular of the senior position he occupies in the Community administration, he could not have failed to know that the Community education allowance and dependent child allowance which he

received could not, under Article 67(2), be combined with an educational grant received by his child under a law on study grants of his Member State of origin, the object of which is similar to that of the Community allowances and is clearly apparent from the title and substance of the law.