

Case T-58/89

Calvin Williams

v

Court of Auditors

(Officials — Reclassification — Admissibility —
New facts — Promotion
procedure and competition procedure)

Judgment of the Court of First Instance (Fourth Chamber), 7 February 1991 78

Summary of the judgment

*Officials — Actions — Prior complaint through official channels — Time-limits — Time-barred — Re-opening — Requirements — New fact
(Staff Regulations, Arts 90 and 91)*

Whilst Article 90(1) of the Staff Regulations provides that any official may request the Appointing Authority to take a decision relating to him, that right does not allow an official to circumvent the time-limits laid down in Articles 90 and 91 of the Staff Regulations for the lodging of a complaint and an appeal by indirectly calling in question by means of a request a previous decision which has not been challenged within the period prescribed. Only the existence of new substantial facts may

justify the submission of a request for a review of such a decision.

In view of the differences between the classification rules applicable to successful candidates in competitions and those applicable to promotions, an official cannot rely on a new fact stemming from the classification obtained by certain of his colleagues on promotion in order to challenge the classification which he was given after passing a competition.