

**Judgment of the Civil Service Tribunal (Third Chamber) of
8 October 2008 — Barbin v Parliament**

(Case F-81/07) ⁽¹⁾

**(Staff case — Officials — Promotion — 2006 promotion
procedure — Consideration of comparative merits)**

(2008/C 313/104)

Language of the case: French

Parties

Applicant: Florence Barbin (Luxembourg, Luxembourg) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: European Parliament (represented by: A. Lukošiuūtė and R. Ignătescu, Agents, and, subsequently, by C. Burgos, A. Lukošiuūtė and R. Ignătescu, Agents)

Re:

Annulment of the decision of the European Parliament not to promote the applicant to grade AD 12 pursuant to the 2006 promotion procedure.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of the European Parliament of 20 November 2006 not to promote Ms Barbin pursuant to the 2006 promotion procedure;
2. Orders the European Parliament to pay the costs.

⁽¹⁾ OJ C 247, 20.10.2007, p. 43.

**Judgment of the Civil Service Tribunal (Second Chamber)
of 4 September 2008 — Duta v Court of Justice**

(Case F-103/07) ⁽¹⁾

(Staff case — Temporary staff — Recruitment — Legal secretary — Article 2(c) of the CEOS — Act adversely affecting an official — Relationship of trust)

(2008/C 313/105)

Language of the case: French

Parties

Applicant: Radu Duta (Luxembourg, Luxembourg) (represented by: F. Krieg, lawyer)

Defendant: Court of Justice of the European Communities (represented by: M. Schauss, Agent)

Re:

Application for, first, annulment of the decision of 4 June 2007 of the committee of the Court of First Instance (CFI) authorised to rule on complaints, rejecting the applicant's candidature for a position as legal secretary in the chambers of a judge of the CFI and, secondly, an application for the symbolic sum of EUR one by way of damages for the harm suffered.

Operative part of the judgment

The Tribunal:

1. Dismisses the action as inadmissible;
2. Orders the parties to bear their own costs.

⁽¹⁾ OJ C 315, 22.12.2007, p. 45, and OJ C 79, 29.3.2008, p. 39 (corrigendum).

**Judgment of the Civil Service Tribunal (Second Chamber)
of 11 September 2008 — Smadja v Commission**

(Case F-135/07) ⁽¹⁾

(Staff case — Officials — Recruitment — Appointment — Classification by step — New appointment of the applicant to the same post after his first appointment was annulled by judgment of the Court of First Instance — Principle of proportionality — Principle of the protection of legitimate expectations — Duty to have regard to the welfare of officials)

(2008/C 313/106)

Language of the case: French

Parties

Applicant: Daniele Smadja (New Delhi, India) (represented by: É. Boigelot, lawyer)

Defendant: Commission of the European Communities (represented by: D. Martin and K. Herrmann, Agents)

Re:

First, annulment of the Commission decision appointing the applicant, an official placed initially in Grade A*15, step 4, inasmuch as it places her in grade A*15, step 1 following her re-appointment to the post of Director of Directorate B of RELEX after the annulment of her first appointment, and, second, a claim for non-material and material loss