

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (3rd Chamber) of 18 November 2015 — FH v Parliament

(Case F-26/15) ⁽¹⁾

(Civil service — Officials — Remuneration — Installation allowance — Article 5(2) of Annex VII to the Staff Regulations — Transfer to a new place of employment — Last sentence of Article 5(4) of Annex VII to the Staff Regulations — Non-payment of the installation allowance if an official entitled to the household allowance is transferred to the place where his family resides — Need for the official to be installed with his family in the place of employment — Spouses effectively separated — Consequences — Inapplicability of the last sentence of Article 5(4) of Annex VII to the Staff Regulations)

(2016/C 007/46)

Language of the case: French

Parties

Applicant: FH (represented by: M. Casado García-Hirschfeld, lawyer)

Defendant: European Parliament (represented by: O. Caisou-Rousseau and N. Chemaï, Agents)

Re:

Application for annulment of the decision to reject the applicant's application to be paid the installation allowance, following his relocation from Yemen to Brussels, where his spouse, from whom he is separated, lives, and an application seeking that the defendant be ordered to pay the applicant that installation allowance together with interest.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of 15 April 2014 by which the European Parliament rejected the application for the installation allowance submitted by FH;
2. Orders the European Parliament to pay FH, in respect of the installation allowance due to him, a sum corresponding to one month of his basic salary; that sum is to be paid together with default interest calculated at the rate set by the European Central Bank for its main refinancing operations and applicable during the period concerned, increased by two points, from 11 February 2014 until the date of actual payment;
3. Declares that the European Parliament is to bear its own costs and orders it to pay the costs incurred by FH.

⁽¹⁾ OJ C 127, 20/4/2015, p. 44.