

Action brought on 18 April 2002 by Pravir Kumar Chawdhry against Commission of the European Communities

(Case T-133/02)

(2002/C 156/66)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 18 April 2002 by Pravir Kumar Chawdhry, residing in Sangiano (Italy), represented by Georges Vandersanden and Laure Levi, avocats.

The applicant claims that the Court should:

- annul the decision of the authority empowered to conclude contracts of employment (AECCE) of 2 May 2001 classifying the applicant in Grade A 6, step 3, and, in so far as necessary, annul the decision of 14 December 2001, served on 8 January 2002, rejecting the applicant's complaint;
- order the defendant to pay the balance of the salary consisting in the difference between the remuneration corresponding to classification in Grade A 6, step 3, and the remuneration corresponding to a higher grade, together with default interest at the rate of 5,75 % per annum, with effect from 1 April 2001;
- order the defendant to pay damages provisionally assessed, ex æquo et bono, at EUR 1;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a temporary agent employed by the Commission, contests the decision of the AECCE classifying him in Grade A 6, step 3.

The applicant claims that the AECCE ought to have specifically assessed the possible application of Article 31(2) of the Staff Regulations to the applicant and that such an assessment should have led to the actual application of that provision to the applicant, that is to say to his classification in Grade A 5.

In support of his claims, the applicant alleges:

- infringement of Article 31(2) of the Staff Regulations;
- infringement of Article 32 of the Staff Regulations;
- breach of the principle of non-discrimination;
- breach of the duty to have regard for the welfare of officials;
- breach of the rules on the free movement of workers;
- breach of the obligation to state reasons.

Action brought on 25 April 2002 by Miguel Tejada Fernández against the Commission of the European Communities

(Case T-134/02)

(2002/C 156/67)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 25 April 2002 by Miguel Tejada Fernández, residing in Woluwé-St-Etienne, Belgium, represented by Lucas Vogel, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decision of the appointing authority of 10 January 2002, notified to the applicant on 15 January 2002, rejecting the applicant's claim of 3 October 2001 for annulment of the decision refusing him promotion to grade B2 for the 2001 promotions year, and annulment of the proposals for promotion to that grade;
- in so far as is necessary, annul the decision refusing the applicant promotion to grade B2 for the 2001 promotions year, and the proposals for promotion to that grade;
- order the defendant to pay the costs.