

**Action brought on 2 November 2005 — T v Commission**

(Case T-400/05)

(2006/C 22/29)

*Language of the case: French*

concerning annual leave, a manifest error of assessment and misuse of powers.

The applicant also claims that she should be compensated for both the pecuniary and non-pecuniary loss that she allegedly incurred as a result of the defendant's actions.

**Parties**

*Applicant:* T (Brussels, Belgium) (represented by: S. Rodrigues and Y. Minatchy, lawyers)

*Defendant:* Commission of the European Communities

**Forms of order sought**

The applicant claim that the Court should:

- annul, as far as necessary, the decision of 20 July 2005 by which the Commission rejected the applicant's complaints lodged on 10 February 2005 and 21 March 2005 against the Commission's decision concerning the loss of her days of leave for 2004 and against the Commission's decision to consider the applicant's absences from 15 November 2004 to be improper;
- establish the liability of the European Community as a result of the contested decision;
- award the applicant damages for the harm suffered, in an amount of EUR 58 395.39;
- order the defendant to pay all the costs.

**Pleas in law and main arguments**

The applicant is a former Commission official, in retirement since 1 September 2005. By her action, she contests the defendant's decision to consider some of her absences in 2004 to be improper and to be set against her annual leave entitlement and her remuneration. In support of her action she alleges infringement of the duty to give reasons, infringement of the principles of equal treatment and sound administration and the duty to have regard for the interests of officials.

The applicant also alleges infringement of Article 59 of the Staff Regulations in so far as she has medical certificates for the periods of absence at issue. In addition, she alleges infringement of Article 57 of the Staff Regulations and Annex V thereto

**Action brought on 2 November 2005 — Toth v Commission**

(Case T-401/05)

(2006/C 22/30)

*Language of the case: French***Parties**

*Applicant:* Gergely Toth (Besozzo, Italy) (represented by: S. Rodrigues and Y. Minatchy, lawyer)

*Defendant:* Commission of the European Communities

**Forms of order sought**

The applicant claim that the Court should:

- annul the Commission's decision of 20 July 2005 rejecting the applicant's complaint of 15 April 2005, taken together with the contract of employment signed by the applicant on 17 January 2005 in so far as it fixes his grade in accordance with Article 12(3) of Annex XIII to the Staff Regulations and his step pursuant to the current Article 32 of the Staff Regulations;
- inform the Commission as to the effects of the annulment of the contested decision and, in particular, the reclassification of the applicant in grade A\*9 with retroactive effect;
- in the alternative, order the Commission to compensate the harm suffered by the applicant as a result of the fact that he was not classified in grade A\*9 from 17 January 2005;
- in any event, order the defendant to pay all the costs.