

parties or the Court (see the judgments of 12 December 1967 in Case 4/67 *Mueller (née Collignon) v Commission* [1967] ECR 365 and 19 February 1981 in Joined Cases 122 and 123/79 *Schiavo v Council* [1981] ECR 473).

The fact that an institution, for reasons related to its staff policy, deals with the substance of an administrative complaint which is submitted out of time cannot

have the effect of derogating from the system of mandatory time-limits laid down in Articles 90 and 91 of the Staff Regulations (see the judgment of 12 July 1984 in Case 227/83 *Moussis v Commission* [1984] ECR 3133) or deprive the administration of its right at the stage of court proceedings to raise an objection of inadmissibility on the ground that the complaint was out of time.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Third Chamber)
6 December 1990 *

In Case T-130/89,

Mrs B.,¹ a former member of the temporary staff of the Commission of the European Communities, of S. (Grand Duchy of Luxembourg), represented by C. Revoldini, of the Luxembourg Bar, with an address for service in Luxembourg at his Chambers, 21, rue Aldringen,

applicant,

v

Commission of the European Communities, represented by its Legal Adviser J. Griesmar, acting as Agent, assisted by C. Verbraeken and, at the hearing, D. Waelbroek, both of the Brussels Bar, with an address for service in Luxembourg at the office of G. Berardis, a member of the Commission's Legal Department, Wagner Centre, Kirchberg,

defendant,

* Language of the case: French.

¹ — At the applicant's request the Court of First Instance ordered her name to be replaced by her initial in all publications.

APPLICATION for the annulment of the Commission decision of 24 April 1989 declaring the applicant to be physically and mentally unfit for the performance of her duties,

THE COURT OF FIRST INSTANCE (Third Chamber),

composed of: C. Yeraris, President of Chamber, A. Saggio and B. Vesterdorf, Judges

(The grounds of the judgment are not reproduced.)

hereby:

- (1) Dismisses the application as inadmissible;**
- (2) Orders the parties to bear their own costs.**