

Action brought on 14 December 1994 by Sebastiano Cordella against the Economic and Social Committee

(Case T-389/94)

(94/C 386/46)

(Language of the case: French)

An action against the Economic and Social Committee was brought before the Court of First Instance of the European Communities on 14 December 1994 by Sebastiano Cordella, of Wommel (Belgium), represented by Jean-Noël Louis, of the Brussels Bar, with an address for service in Luxembourg at the office of Fiduciaire Myson S.à.r.l., 1 Rue Glesener.

The applicant claims that the Court should:

- declare and order that the decision of 19 May 1994 implicitly rejecting the application for the payment to the applicant of the compensation for the damage suffered by him as a result of the delay in reinstating him as a member of the staff of his institution is annulled,
- order the defendant:
 - to pay the applicant compensation in a sum equivalent to the net remuneration which he would have received had he been reinstated in the first vacant post corresponding to his grade, together with default interest at the rate of 8 % per annum on all sums due from the date of their becoming due until the date when payment is made,
 - to pay the costs.

Pleas in law and main arguments:

The applicant, an official of the Economic and Social Committee, who was granted an invalidity pension in 1986 and subsequently declared, by decision of 28 June 1990, fit to return to work, contests the decision of the defendant institution of 19 May 1994 rejecting his application for the payment of compensation for the damage allegedly suffered by him as a result of the delay in reinstating him as a member of the staff of his institution following the cessation of his invalidity.

He points out that on 1 June 1993, that is to say, over two years after he was declared fit to return to work, his adviser wrote to the appointing authority, stating that his client had still not been reinstated and requesting that he be provided with a list of all vacant posts corresponding to his grade which had been advertised since 15 November 1990. The list supplied by the appointing authority in response to that request shows that there were several posts in which the applicant could have been reinstated from 4 December 1990 onwards. More specifically, the nature of the duties of the post advertised under references 49 and 50/93 clearly corresponded to the applicant's qualifications. Consequently, the appointing authority has failed, contrary to Articles 40 and 78 of the Staff Regulations and Annex VIII thereof, to discharge its duty to reinstate the applicant pursuant to those provisions.

He also asserts that there has been in this case a manifest error of assessment.

Removal from the register of Case T-53/93 ⁽¹⁾

(94/C 386/47)

(Language of the case: German)

By order of 16 December 1994 the President of the First Chamber (extended composition) of the Court of First Instance of the European Communities ordered the removal from the register of Case T-53/93: Hans Hinrichsen v. Council of the European Union.

⁽¹⁾ OJ No C 178, 18. 7. 1990.

Removal from the register of Case T-54/93 ⁽¹⁾

(94/C 386/48)

(Language of the case: German)

By order of 16 December 1994 the President of the First Chamber (extended composition) of the Court of First Instance of the European Communities ordered the removal from the register of Case T-54/93: Hans Hein v. Council of the European Union.

⁽¹⁾ OJ No C 178, 18. 7. 1990.

Removal from the register of Case T-55/93 ⁽¹⁾

(94/C 386/49)

(Language of the case: German)

By order of 16 December 1994 the President of the First Chamber (extended composition) of the Court of First Instance of the European Communities ordered the removal from the register of Case T-55/93: Peter-Emil Stahmer v. Council of the European Union.

⁽¹⁾ OJ No C 178, 18. 7. 1990.

Removal from the register of Case T-71/93 ⁽¹⁾

(94/C 386/50)

(Language of the case: German)

By order of 16 December 1994 the President of the First Chamber (extended composition) of the Court of First Instance of the European Communities ordered the removal