ADBAT 2023 ANNOUNCEMENT OF APPLICATIONS AND WITHDRAWALS
(Pursuant to Para. 15, Rule 6 of the ADBAT Rules of Procedure)

ADBAT Application No. 2022-03
On 3 February 2023, the ADB Administrative Tribunal received electronically through its email address a Withdrawal of Application which withdrawal was accepted by the Tribunal President on 07 February 2023 pursuant to Para. 2, Rule 14 of the ADBAT Rules of Procedure.

ADBAT Application No. 2022-04
On 3 February 2023, the ADB Administrative Tribunal received electronically through its email address a Withdrawal of Application which withdrawal was accepted by the Tribunal President on 07 February 2023 pursuant to Para. 2, Rule 14 of the ADBAT Rules of Procedure.

ADBAT Application No. 2022-05
On 3 February 2023, the ADB Administrative Tribunal received electronically through its email address a Withdrawal of Application which withdrawal was accepted by the Tribunal President on 07 February 2023 pursuant to Para. 2, Rule 14 of the ADBAT Rules of Procedure.

ADBAT Application No. 2023-01
On 04 January 2023, the ADB Administrative Tribunal Secretariat received electronically through its email address an “APPLICANT’S INCOMPLETE STATEMENT OF APPEAL” with Annexes 1 and 2 which essentially requested the Tribunal to be allowed to file on or before 24 February 2023 a complete Application.

The Application and its annexes were forwarded to the members of the Tribunal pursuant to Paragraphs 12 and 13 of Rule 6 (Dismissal of Clearly Inadmissible Application) of the ADBAT Rules of Procedure. The Tribunal President, on consultation with the other members of the Tribunal, resolved to declare the Application as clearly inadmissible for failing to set out the facts and the legal grounds on which the pleas are based pursuant to Paragraphs 4 and 5, Rule 6 (Pleas; Explanatory Statement) of the ADBAT Rules of Procedure.

ADBAT Application No. 2023-02
On 22 February 2023, the Secretariat of the ADB Administrative Tribunal received electronically the Application with Annexes 1 to 3, appealing the decision of the SRP Administration Committee which denied the Applicant’s request to rescind the original choice made on splitting of the pension currency on the ground that the original choice was made on the basis of false and misleading information conveyed to the Applicant regarding his normal pension; that Section 5.3(a) of SRP legal documents is discriminatory toward SRP participants eligible to incapacity pension; alleging that the Bank “did not show accountability and duty of care towards Applicant” on the request for rescission, and that the Bank “consistently avoided the Applicant’s requests and abused its internal procedures to the detriment of the Applicant’s dignity as ADB retiree,” which constitute bases for Applicant’s claims for damages and reasonable legal costs incurred in the submission of the Application. In addition, the Application seeks a ruling from the Tribunal on proper date when the 90-day
period to appeal from a final decision of the SRP Administration Committee should be counted.

**ADBAT Application No. 2023-03**

On 09 March 2023, the ADB Administrative Tribunal Secretariat received electronically through its email address the Application with Annexes I to III (Annexes III.a to III.f), with certified true copies of Annexes III.a to III.f being filed electronically on 15 March 2023 in accordance with the instructions of the Executive Secretary pursuant to Rule 6, Para. 11 of the ADBAT Rules of Procedure.

The Application seeks to annul the restriction of “Physical presence in a new country for at least one year” enforced under the *Guidelines for Change in Currency of Pension Payment* as restrictive of Applicant’s right of freed of movement in violation of Article 13 of the Universal Declaration of Human Rights. The Application seeks to direct the SRP Administrative Committee to (a) convert 80 percent of Applicants pension from Sri Lanka rupees to US dollars to allow Applicant to move and live to Manila, Philippines; and (b) with the BPOD-RIU of ADB to pay US$500,000 as compensation for not allowing Applicant to move to Manila, Philippines by enforcing an unfair restriction on physical movement and not taking timely decisions.

**ADBAT Application No. 2023-04**


**ADB 2022 ANNOUNCEMENT OF APPLICATIONS**

(Pursuant to Para. 15, Rule 6, ADBAT Rules of Procedure)

**ADBAT Application No. 2022-01**

On 05 July 2022, the ADB Administrative Tribunal received electronically through its email address an Application with Annexes 1 to 8, which, after verification of their compliance with the filing requirements under the ADBAT Rules of Procedure, were formally transmitted under date 21 July 2022 to the Respondent Bank the filing of its Answer.

The Application seeks rescission and/or reversal and setting aside of Respondent’s decision to dismiss the Applicant for serious inappropriate conduct and the reinstatement of the Applicant into service with the release and/or payment of all arrears which ought to have accrued in favor of the Applicant on account of compensation, benefits, perks privileges; or in the alternative, the release and/or payment of Applicant’s salary and benefit which may accrue from the date of Applicant’s dismissal up until the date of Applicant’s mandatory retirement, including payment into the pension fund and the capacity to make contributions thereto as may be provide under the rules, as well as damages for injuries suffered and mental anguish, for Respondent to pay the costs incurred by Applicant in pursuing the case.

**ADBAT Application No. 2022-02**
On 05 July 2022, the ADB Administrative Tribunal received electronically through its email address an Application with Annexes 1 to 5, which, after verification of their compliance with the filing requirements under the ADBAT Rules of Procedure, were formally transmitted under date 21 July 2022, to the Respondent Bank for the filing of its Answer.

The Application seeks rescission and/or reversal and setting aside of the Respondent’s decision to impose disciplinary measures against Applicant for serious inappropriate conduct, and to recover from the Respondent damages/compensation for injuries suffered due to the irreparable damage to the Applicant’s reputation among the ADB staff/colleagues and in the Applicant’s social circle in view of the nature of the allegations levelled against the Applicant, damages/compensation for undue mental anguish suffered by the Applicant and the Applicant’s family, as well as the legal costs incurred by the Applicant.

**ADBAT Application No. 2022-03**

On 10 August 2022, the ADB Administrative Tribunal received electronically through its email address an Application with Annexes 1 to 44, inclusive of submarkings, which, after verification of their compliance with the filing requirements under the ADBAT Rules of Procedure, was formally transmitted under date 19 August 2022 to the Respondent Bank for the filing of its Answer.

Apart from the plea for any preliminary or provisional measures, such as production of additional documents and the hearing of witnesses, the Application seeks the rescission of the Respondent’s decision which “dismissed as ‘without merit’” Applicant’s objections regarding the appointment to the position of Auditor General, as well as recovery from the Respondent Bank damages allegedly sustained by the Applicant for significant loss of career opportunity and future earning capacity, emotional distress and physical/mental stress, breach of dignity, reputational harm and moral injury and inconvenience cause to the Applicant, including recovery of the costs in pursuing the appeal with the Tribunal.

**ADBAT Application No. 2022-04**

On 10 August 2022, the ADB Administrative Tribunal received electronically through its email address an Application with Annexes 1 to 16, inclusive of submarkings, which, after verification of their compliance with the filing requirements under the ADBAT Rules of Procedure, were formally transmitted under date 19 August 2022 to the Respondent Bank for the filing of its Answer. Apart from the plea for any preliminary or provisional measures, such as production of additional documents and the hearing of witnesses, the Application seeks (a) that the “Appeal 1 item ‘2’ Deputy Treasurer be reinstated to a status quo ante”; for the Administrative Tribunal to rescind President’s decision on the Appeals Committee’s recommendation to uphold the Respondent’s objection to the Appeals Committee’s competence, and that after reinstatement to a status quo ante the Applicant seeks to be allowed to furnish an application to the Administrative Tribunal directly and for the Tribunal to deliberate and decide upon the merits of the Applicant’s case without any further requirement for Administrative Review and Appeal; and (b) the recovery of damages allegedly sustained by the Applicant for significant loss of career opportunity and future earning capacity, emotional distress and physical/mental stress, breach of dignity, reputational harm and moral injury and inconvenience cause to the Applicant, including recovery of the costs in pursuing the appeal with the Tribunal.
ADBAT Application No. 2022-05

On 10 August 2022, the ADB Administrative Tribunal received electronically through its email address an Application with Annexes 1 to 37, inclusive of submarkings, which, after verification of their compliance with the filing requirements under the ADBAT Rules of Procedure, were formally transmitted under date 19 August 2022 to the Respondent Bank for the filing of its Answer.

Apart from the plea for any preliminary or provisional measures, such as production of additional documents and the hearing of witnesses, the Application seeks the expungement of the Applicant’s 2020 Annual Performance Review, as well as recovery from the Respondent Bank damages allegedly suffered by the Applicant “from the Respondent’s behavior resulting in the aggravation of underlying medical conditions and due to the prolonged effort required to preserve the [Applicant’s] credibility in his request for administrative review, the [Applicant] endured an inordinate amount of stress and distress whilst fulfilling his professional responsibilities,” including recovery of the costs in pursuing the appeal with the Tribunal.

ADBAT Application No. 2022-06

On 08 October 2022, the ADB Administrative Tribunal received electronically through its email address an Application with Annexes 1 to 22, inclusive of submarkings, which, after verification of their compliance with the filing requirements under the ADBAT Rules of Procedure, were formally transmitted under date 14 October 2022 to the Respondent Bank for the filing of its Answer.

Apart from the plea for any preliminary or provisional measures, such request for anonymity, the Application seeks correction of performance ratings given to the Applicant which allegedly “were incorrect and made in breach of the requirements of the Administrative orders (AO) of the ADB, in breach of the terms of [Applicant’s] contract of employment and in breach of the precepts of administrative law, as applicable to the ADB,” seeking the adjustment of Applicant’s salary rates and ADB’s contribution to the pension, and moral damages for mental suffering, humiliation and health impact, as well as compensation “for time at nights and weekends in preparing all documents for Administrative Review, Appeal, and Tribunal.”

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