

ASIAN DEVELOPMENT BANK ADMINISTRATIVE TRIBUNAL

**Decision No. 31
(6 January 1997)**

**Sinnadurai Selvaretnam
v.
Asian Development Bank**

**Robert Gorman, Vice-President
Toshio Sawada
Brigitte Stern**

1. The Applicant was first employed by the Bank on 24 July 1979 and rose to the post of Senior Project Specialist (Level 6) in the Project Coordination and Procurement Division, Central Operations Services Office with effect from 1 April 1991. On 8 May 1995, the Director, Budget, Personnel and Management Systems Department of the Bank, formally advised the Applicant of the decision to retire him from the service of the Bank, effective 18 May 1996, being his 60th birthday, pursuant to Section 10 of the Bank's Staff Regulations.

2. Section 10 of the Staff Regulations states:

- a. At any time after any staff member attains the age of sixty, the Bank, and such staff member, shall have the option of terminating his service in the Bank on the payment of such appropriate pension or other retirement benefit as shall be provided in the staff retirement benefit scheme; when such option is not exercised by either the Bank or the staff member, the age of retirement will be sixty-five years.
- b. Without prejudice to the foregoing, the President, in exceptional circumstances and in the interest of the Bank, may extend, for specific periods, the employment of a staff member beyond the age of sixty-five years.

3. The Applicant contends that, under the quoted Staff Regulations, the normal retirement age is 65 and that the Bank's policy of unilaterally retiring staff members at 60 is unauthorized. He also contends that the Bank's action violated his right to security of service under the pertinent Administrative Orders.

4. In Samuel (No. 2), ADBAT Decision No. 15 [1996], the Tribunal held that Section 10 of the Staff Regulations gives the Bank the option to retire a staff member at the age of sixty, upon paying pension and other normal retirement benefits, and that the Bank was entitled to adopt a coherent policy of exercising that option uniformly, and without discrimination. The Tribunal also concluded in that case that the Bank's decision to retire a staff member at the age of sixty did not violate his right to security of tenure.

5. Applying these principles, the Tribunal holds that the exercise by the Bank of its option to retire the Applicant was within its powers and not an abuse of discretion or otherwise flawed.

Decision:

For these reasons, the Tribunal decides to dismiss the Application.