

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Successfully Litigated Cases in January

**With assistance from GYLA, the Ministry of Education of Georgia became obliged to cover expenses for special medical nurse service for a disabled individual and to pay monthly allowance**

GYLA represented in the court I.G. interests. The applicant sustained serious bodily injuries in a car accident during the school graduation ceremony and numerous surgical operations were implemented in different periods. At present the applicant is

in permanent need of a nurse. In 2011, I.G. applied to a court and claimed from the Ministry of Education and Science of Georgia monthly allowance and payment of nurse [ ] service. According to GYLA [ ] opinion, the Ministry was responsible for the security of pupils.

Court ruled that there was gross negligence and undue fulfilment of obligations from the side of public school teachers. In addition, it took into account position of GYLA [ ] lawyer in terms of determining monthly allowance and reimbursement for nurse [ ] service.

Ultimately, according to court decision, the Ministry of Education and Science became obliged to pay the cost for nurse service in the amount of GEL 1180 and monthly allowance of GEL 800 from the moment of lodging the complaint.

**With assistance from GYLA's Dusheti office, an individual managed to receive outstanding salary from the company**

GYLA [ ] Dusheti office represented in the court T.K. [ ] interests. In August 2014 he found out that his labor contract was terminated since October 2013 though throughout this period he fulfilled contractual obligations because company made no notification about dismissal. With assistance from GYLA [ ] Dusheti office, T.K. lodged a case to the court against the company. By the ruling of January 22, 2015 the court approved negotiation act about full compensation of the outstanding salary to T.K.

**With GYLA's assistance, Joint Activity Partnership "N" won a case to Public Register**

With assistance of a lawyer from GYLA [ ] Tbilisi office, a court satisfied case of the Joint Activity Partnership [ ] [ ] The Partnership claimed invalidation of Public Register [ ] decision rejecting registration of red lines of Partnership. Consequently, the court invalidated decisions of the Public Register. The court fully upheld considerations of GYLA [ ] lawyer about significant deficiency of administrative proceeding, which affected substantially rights of Partnerships in terms of property registration.

**An individual managed to receive the copy of a certificate of education**

Lawyer of GYLA [ ] Kutaisi branch represented in the court M.B. [ ] interests, who was refused by Kutaisi Civil Registry of State Services [ ] Development Agency to issue copy of a certificate of education. The reason of denial was that electronic data base contained no information about him and missed a document confirming start and the end of education program by the applicant. M.B. filed a complaint to Kutaisi City Court against the State Services [ ] Development Agency and claimed a copy of the relevant document. The court fully satisfied M.B. [ ] claim and the applicant managed to receive a copy of a certificate.

With GYLA [ ] assistance a perpetrator was prohibited to inflict verbal, physical and psychological pressure upon the victim of domestic violence  
Kutaisi City Court granted L.K. [ ] application about issuing protective order. Lawyer of Kutaisi branch represented her interests in a court. The fact of violence was confirmed at the trial against L.K. and the court made decision about issuing protective order. As a result the respondent was prohibited to inflict verbal, physical and psychological pressure upon the applicant and to have any physical or phone contact with her. Protective order was issued for 6 months period.

### **With GYLA's assistance an individual was relieved from administrative liability**

GYLA [ ] Telavi office protected S.A. [ ] interests. Patrol police drafted protocol of administrative offence to him for driving a car under alcoholic influence and his driving license was confiscated for 6 months period. With assistance from GYLA [ ] Telavi office, Sh.A. challenged the protocol in a court. As a result, the document was invalidated and proceeding was terminated for absence of offence.

### **The City Hall of Gori Municipality was ordered to issue title deed to GYLA's beneficiary**

GYLA [ ] Gori office took a lead on I.B. [ ] administrative case in Gori regional court. In the instant case, Gori Municipality refused to issue title deed on the apartment being in lawful use of the applicant, for failure to submit relevant document.

According to decision of Gori regional court, I.B. [ ] claim was satisfied and the

respondent City Hall of Gori municipality was ordered to issue title deed to GYLA ☐ beneficiary.

### **With GYLA's Assistance one more minor was appointed alimony**

GYLA ☐ Gori office represented in a court S.G. ☐ interests who claimed alimony from his ex-husband. Under the decision of Khashuri regional court, the applicant G.T. became obliged to pay monthly alimony in the amount of GEL 200 to his minor children.

In the following two cases which ended with success, according to GYLA ☐ opinion court made important interpretation of norms:

With GYLA ☐ assistance G.A. ☐ labor dispute against Services ☐ Development Agency of the Ministry of Justice was ruled in favor of the applicant

GYLA ☐ Tbilisi office represented in the court G.A. ☐ interests. Through several years he used to occupy high position at the Services ☐ Development Agency of the Ministry of Justice of Georgia. In Summer, 2014 the General Inspection of the Ministry of Justice started legal inspection, assumed that G.A. ☐ conduct was discrediting and dismissed him from the office. The respondent complained that G.A. had made decision about one high political official without informing about the fact his management. However, the respondent did not challenge lawfulness of G.A.'s decision.

The court did not share position of the respondent and noted that ☐☐☐☐ person should be equal before the law in a democratic state. High position does not grant privileges to review all issues related to such person in a special regime. A Further, the court mentioned that if ☐☐ similar cases failure to notify management is considered as violation, then the principles of equal treatment of citizens is also violated. While establishment of the principle will lead to inequality, partiality and favoritism that will undermine lawfulness of administering public functions. "

As a result, a court invalidated G.A ☐ dismissal order and the respondent became obliged to compensate six months salary to the applicant.

### **With GYLA's Assistance an IDP won a case about housing right**

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GYLA [ ] Tbilisi office protected in the court interests of an IDP D.G. who was rejected by the Ministry of Internally Displaced Persons, Accommodation and Refugees of Georgia on provision of adequate housing. In 2013 the Ministry notified D.G., that it was impossible to satisfy him with housing since housing space was already provided to D.G. in 2010. As it turned out, the state has united D.G. [ ] family, without his consent, with his father [ ] family who made a sales contract in 2010 and received 23.06 square meters housing space in ownership.

The court annulled the sales contract in the part of D.G. [ ] family members. Further, the court ruled that disputed contract had no legal force in the part of the applicant D.G. and his children since it missed obligatory written consent. In addition, the court noted that prior to making a contract D.G. was not notified about the fact and was not given chance to submit his opinion, which also contradicted with legislation. In the instant case the court also discussed whether the transferred housing space satisfied minimal standards of adequate housing and noted that [ ] the housing space which complies with established standards is recognized as adequate by the state . A In the instant case, the court noted that housing space of 23.6 square meters can not meet minimal standards of adequate housing for a family with 6 members.