

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Successfully Litigated Cases in January

**With assistance from GYLA's lawyer the Ministry of Health, Labor and Social Protection was ordered to issue normative acts in favor of individuals with disabilities**

Lawyer from GYLA's Tbilisi Office represented interests of R.K., in the case against the Ministry of Health, Labor and Social Protection. Under the court decision, the government of Georgia and the Ministry were ordered to issue normative acts, which should determine the amount of allowance for family care of individuals with disabilities and regulate other related issues.

It should be noted that as per the Law of Georgia on Social Aid, the government and the Ministry of Health, Labor and Social Protection had to adopt the normative acts since 2006, though none of the state agencies fulfilled the legislative requirement. In its judgment, the court considered illegal omission of the government and the Ministry.

**With assistance from GYLA's Tbilisi office, I.J. was restored to his former office and received missed salary in the amount of GEL 18200**

I.J. worked in "Georgian Water and Power" LLC as the chief power engineering specialist. In May 2012, without his content, he was downgraded and moved to another position with decreased salary. I.J. disapproved of the manager's decision and consequently was dismissed from the office in 12 days. All three instance courts shared opinion of GYLA's Tbilisi office on I.J.'s rights being violated by the management of the company. The court invalidated the order of the company on downgrading the applicant with decreased salary and his dismissal order. Moreover, the court restored him on the position of the chief power engineering specialist and ordered the company to compensate for the missed salary in the amount of GEL 18,200.

**With GYLA's assistance the court ordered several companies payment of monthly allowance in the amount of GEL 890, in favor of GYLA's minor beneficiary**

GYLA's Tbilisi office litigated on T.K.'s case whose husband died as a result of construction accident while implementing illegal reconstruction operations by several private companies. He fell under ruins of the construction and passed away. The applicant has minor child. With GYLA's assistance the case was litigated in all three instance courts. According to the court ruling, the respondents were ordered to pay monthly allowance to the minor in the amount of GEL 890.

**With GYLA's assistance the individual was compensated for the suffered damage from "Energo-pro Georgia "**

GYLA's Kutaisi branch represented interests of N.G. in the case against "Energo-pro Georgia." As a result of the December 2, 2012 fire, the whole house and belongings of GYLA's beneficiary were burned down. The court shared position of GYLA's lawyer that Energo-pro Georgia, as a producer of low quality product, was obliged to reimburse to N.G. suffered damage. Consequently, Tbilisi Appellate Court ordered the respondent compensation of damage in favor of N.G. in the amount of GEL 58 095,27. On December 20, 2013 the Supreme Court considered inadmissible cassation of the Energo-Pro Georgia and the court decision entered into legal force.

**With GYLA's assistance a court invalidated order on application of disciplinary penalty against the employee**

The lawyer of GYLA's Kutaisi branch represented N.A.'s interests in a court, who has been working in the union of libraries and museums of Tskhaltubo municipality as a chief accountant. As per September 16, 2013 order of the director of the organization, disciplinary penalty-warning was applied against N.A. With GYLA's assistance she appealed the order in the court and demanded its invalidation, since the applicant opined that no disciplinary violation had taken place. Kutaisi City Court shared argumentation of the applicant and by the November 25, 2013 decision, invalidated the manager' order on imposing disciplinary penalty upon the beneficiary.

**With GYLA assistance one more citizens was relived from administrative liability**

GYLA's Kutaisi branch represented O.G.'s interests in a court, who was found guilty by the November 25, 2013 decision of Batumi City Court for application of narcotics without doctor's prescription and was sentenced to payment of GEL 500 as a penalty. With GYLA's assistance G.O. challenged the ruling in Kutaisi Appellate Court. The court upheld the lawyer's position and relieved G.O. from administrative liability. Namely, G.O. was in Turkey, where he applied narcotic substance and afterwards crossed the state boarder through Batumi International Airport. In the case concerned the lawyer noted that Georgian Legislation envisages administrative liability for use of narcotics

without permit on the territory of Georgia, though it was not implemented by GYLA's beneficiary. He consumed narcotics on the territory of Turkey and afterwards crossed the border. The court considered the argumentation and terminated litigation, as a result G.O. was relieved from administrative liability.

### **With GYLA's involvement, Gamgeoba of Khulo municipality was disallowed to dismiss the public servant from the office**

GYLA's Adjara branch represented interests of A.M., the envoy of territorial organ of Khulo municipality who successfully passed the first tour of attestation conducted in Khulo Gamgeoba, though for aggravation of health condition he fell short to participate on the second tour. Within reasonable terms, he submitted sick-voucher on his temporary disability to the competition-attestation commission and asked to allow his participation on the second tour after expiration of the voucher. Nevertheless, the commission did not consider his illness as valid excuse. Moreover, the competition-attestation commission gave unfavorable assessment to A.M. without any legislative reasons. On July 8, 2013 he received written warning on dismissal from the office. With a view to protect his rights A.M. applied to GYLA. By the January 21, 2014 ruling of Khelvachauri regional court, the settlement act was approved among the parties. As a result the negative assessment of the commission was invalidated and the applicant was given chance to participate at the second stage of attestation.

### **With GYLA's assistance one more minor will receive alimony**

With assistance from GYLA's Kutaisi branch, father was ordered to pay monthly alimony in the amount of GEL 80 in favor of GYLA's juvenile beneficiary until he attains maturity.