

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Successful Cases in February

With GYLA's assistance, heir apparent of a victim of political repressions will receive pecuniary compensation

With the legal aid from the lawyer of GYLA's office in Tbilisi, N.S.'s claim filed in court was granted by Tbilisi City Court's board of administrative cases. Based on Declaration of Citizens of Georgia as Victims of Political Repression and on Social Protection of the Repressed, GYLA's lawyer filed for pecuniary compensation. The claim was granted in part by the court by ordering the Ministry of Finance of Georgia to provide entire of GEL 400 in pecuniary compensation in favour of N.S.

Beneficiary of GYLA's legal assistance will be able to receive salary arrears

Lawyer of GYLA's office in Tbilisi filed a lawsuit on behalf of R.Zh in Tbilisi City Court over compensation of arrears of pay. The court granted the claim in part and ordered the respondent, L JSC to pay GEL 1969 in favour of the applicant. The court rejected counter claim brought against GYLA's beneficiary by the respondent seeking compensation of damage.

Property of beneficiary of GYLA's legal assistance was released from mortgage

Property GYLA's beneficiary J.T. was released from mortgage. Under the decision of Tbilisi City Court's Board of Administrative Cases, a mortgage and loan agreement signed between T.J. and G.Sh. was declared null and void in the part about mortgage. As a result, property T.J. (who is a person with disabilities) was released from mortgage securing the of USD 10 000.

GYLA's beneficiary IDP will receive a housing space

GYLA was protecting interests of T.M. who was displaced following the August 2008 war. The plaintiff filed a claim in court seeking a housing compensation (USD 10 000 equivalent of Georgian laris) from the Ministry of the Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. Parties reached a settlement agreement in the Supreme Court of Georgia, under which T.M and his family will be provided with a housing space in a newly rehabilitated building in Tetritskaro, fulfilling applicable standards.

With GYLA's assistance, court ordered the Ministry of the Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia to pay compensation in favour of a person displaced from Abkhazia

GYLA was protecting interests of R.G., a person displaced from Abkhazia, seeking compensation of damage caused by failure to grant him an official status of IDP in a timely manner. In its ruling the Supreme Court granted R.G.'s claim in part and ordered the Ministry to compensate for the welfare allowance the plaintiff was unable to receive from January 1 to April 2012.

GYLA's beneficiary who had been fired illegally from her work as a teacher was reinstated under court's ruling

GYLA's office in Gori was protecting interests of I.B., who used to work in Gori N9 Public School as a teacher of Georgian language and literature. Under the school principal's order she was fired under para.1d, Article 37 of the Labour Code of Georgia. I.M. believed that she had been illegally fired, based on political discrimination linked to her spouse's political views.

Tbilisi Appellate Court granted the claim of I.B., declaring the order of the school principal null and void. Consequently, I.B. was reinstated to her previous position and compensated for lost wages. The decision changed previously existing practice; in particular, the Chamber of Appeals ruled that as the dispute involved labor relations regulated by law and derived at an institution of secondary education, it should have been subject to a special rules prescribed by the Law of Georgia on Secondary Education. Thus, the claim was to be examined in light of the Labor Code as well as the special law. An employer had to indicate concrete grounds for dissolution of the agreement, which was not the case. Under the order of the principal of legal entity of public law Gori Public School N9, I.B. was reinstated to work.

GYLA has successfully litigated yet another case brought against Batumi Shota Rustaveli State University

Lawyer of GYLA's office in Adjara was defending interests of A.K. before court. A.K. had been accepted in Shota Rustaveli State University in Batumi; however, due to the deterioration of his financial position he was not able to pay the tuition fee starting from the sophomore year. Therefore, he had to drop out at the beginning of the school year. Although the respondent had not received the service envisaged by contract, the university filed against him seeking payment of the tuition fee. The plaintiff failed to submit evidence confirming that A.K. had studied his sophomore year at the university. Batumi City Court did not uphold the plaintiff's position and rejected its claim for being unfounded and groundless.

With the assistance of GYLA, the amount of alimony paid to minors was increased

Lawyer from GYLA's office in Gori filed a civil lawsuit in Gori District Court on behalf of E.M., seeking increase of alimony paid to minors. In its April 14, 2005 decision the court had ordered respondent A.E. to pay alimony for his children A.E. and T.E., GEL 15 for each. Taking into consideration that the respondent's financial situation had

improved, the court ordered him to pay monthly GEL 160 in alimony for the two children, until they reach majority. The decision has come into its legal force.

With the assistance of GYLA, a father was granted the right to see his children

Lawyer of Kutaisi GYLA's office was providing legal assistance in proceedings in which Kutaisi City Court fully granted V.B.'s claim on February 5, 2013, and determined days for the father to see his children.