(TRANSLATION)

THE FACTS

The applicant, of Italian nationality, was born in 1926 at Melito (Reggio Calabria), where he currently lives.

In 1958, and on various subsequent occasions, he was detained in the Reggio Calabria psychiatric institution, from which he was finally discharged on 13 July 1975. In the meantime, as the period of leave to which he was entitled had expired, the applicant was dismissed by the Italian Postal Administration.

He then applied for an ordinary privileged pension ("trattamento di quiescenza privilegiato ordinario"), alleging that the psychiatric disorder which had caused him to lose his job had been provoked by events connected with his employment.

In a decision of 30 May 1978, the President of the Istituto Postelegrafonici rejected the application, on the ground that the administration recognised no causal link between the duties he had performed and the infirmity which had afflicted him.

The applicant lodged an appeal against this negative decision with the Court of Auditors which, on 29 September 1981, found that the case was not yet ready for decision and ordered further investigations as well as an expert medical examination.

The request for a medical examination was transmitted to the medico-legal board attached to the Ministry of Defence on 12 July 1982. The board examined the applicant on 26 October 1985 and replied to the questions which had been put to it in December 1985.

On 28 January 1986, its report was lodged with the registry of the Court of Auditors. The Commission has not been informed of any subsequent developments.

COMPLAINTS

Before the Commission, the applicant complains of the length of the proceedings instituted in order to obtain recognition of his entitlement to a pension and he alleges a breach of Article 6 para. 1 of the Convention.

When introducing the application, the applicant had complained that he had been detained for no valid reason in the Reggio Calabria psychiatric institution, and that there he had been subjected to inhuman and degrading treatment.

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THE LAW

The applicant complains of the excessive length of the proceedings instituted before the Court of Auditors for the purpose of obtaining recognition of his right to an ordinary privileged pension.

The Commission notes that, in Italian law, the said right constitutes an individual right to a pecuniary benefit arising from the termination of employment as a result of a disability caused by circumstances relating to the employment.

It also notes that employees help finance the pension fund by means of contributions.

In the light of the case-law of the European Court of Human Rights in the Deumeland case (Eur. Court H.R., Deumeland judgment of 29 May 1986, Series A no. 100) and the Feldbrugge case (Eur. Court H.R., Feldbrugge judgment of 29 May 1986, Series A no. 99), the Commission considers that the proceedings complained of relate to "civil rights and obligations" within the meaning of Article 6 para. 1 of the Convention, and this is not disputed by the Government.

Under the terms of Article 6 para. 1 of the Convention, everyone is entitled to a "... hearing within a reasonable time".

In the present case, the Commission notes that the appeal lodged by the applicant against the decision of 30 May 1978 is still pending.

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With regard to the period to be taken into consideration, the Commission notes that the date of submission of the above-mentioned appeal is not mentioned in the documents in the file. However, even if account is taken only of the period subsequent to 29 September 1981, the time that has elapsed since that date raises problems from the point of view of Article 6 para. 1 of the Convention.

Consequently, the Commission considers that, given the current state of the file, it cannot declare this complaint manifestly ill-founded and that a thorough examination of the merits is required. Furthermore, it notes that no other ground of inadmissibility is applicable to the complaint.

For these reasons, the Commission

DECLARES THE REMAINDER OF THE APPLICATION ADMISSIBLE.