EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

DECISION

Application no. 17997/10
Recai AKÇA
against Turkey

The European Court of Human Rights (Second Section), sitting on 22 November 2016 as a Committee composed of:
Valeriu Griţco, *President,*
Stéphanie Mourou-Vikström,
Georges Ravarani, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*
Having regard to the above application lodged on 19 March 2010,
Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Recai Akça, is a Turkish national who was born in 1956 and lives in Ankara. He was represented before the Court by Mr S. Eroğlu, a lawyer practising in Ankara.

A. The circumstances of the case

2. The facts of the case, as submitted by the applicant, may be summarised as follows.

3. In 2007 the applicant's employment contract was terminated by his employer, based on the fact that he had become entitled to a retirement pension. On 5 November 2007 the applicant initiated proceedings before the Ankara Labour Court and asked for his reinstatement.

4. On 19 February 2008 the Ankara Labour Court found for the applicant and ordered that he be reinstated. Upon appeal, on 5 May 2008 the Court of Cassation quashed the judgment. Following a re-examination of the case, on 18 November 2009 the Ankara Labour Court dismissed the

applicant's case. It held that the termination of the applicant's employment contract had been in line with clause 74 of the collective agreement. On 8 February 2010 the Court of Cassation upheld the judgment of the first-instance court.

B. Relevant domestic law

5. A description of the relevant domestic law may be found in *Yiğit and others v. Turkey* ((dec.), no. 24032/09 and 21 other applications, §§ 17-20, 16 December 2014).

COMPLAINTS

6. The applicant complained under Article 6 of the Convention of the excessive length of the proceedings. In that connection, he maintained that in deciding on his case, the domestic courts had not complied with the statutory time-limits provided in Article 20 of the Labour Code.

7. Relying on Article 1 of Protocol No. 1, the applicant maintained that he had suffered a financial loss owing to the illegal termination of his employment contract.

8. Lastly, under Article 14 of the Convention, the applicant stated that he had been subjected to discrimination on account of his political opinions.

THE LAW

9. The applicant complained of the excessive length of the proceedings in his case. In that connection, he referred to Article 20 of the Labour Code and maintained that the impugned proceedings should have been terminated within three months.

10. The Court notes that it has already examined and dismissed similar complaints in previous cases (see *Çalık v. Turkey* (dec.), no. 3675/07, 31 August 2010; *Dildirim v. Turkey* (dec.), no. 42927/10 and 14 other applications, §§ 43-45, 12 March 2013; and *Yiğit v. Turkey* (dec.), no. 24032/09 and 21 other applications, §§ 43-45, 16 December 2014). It observes that the proceedings in the present application lasted approximately two years and three months, and during that period the case was examined at two levels of jurisdiction and that four decisions were delivered. The Court therefore considers that the period in question does not exceed the reasonable time requirement guaranteed under Article 6 § 1 of the Convention, and the domestic courts do not appear to have failed to act with the required due diligence when determining the applicant's claims.

11. This part of the application is therefore manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention

12. In so far as the applicant complained that he had suffered a financial loss due to the allegedly illegal termination of his contract, and that he had been subjected to discrimination on account of his political opinions, the Court notes that in the light of the material in its possession and in so far as the matters complained of are within its competence, it finds that those complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

13. It follows that this part of the application should also be rejected for being manifestly ill-founded within the meaning of Article 35 § 3 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Done in English and notified in writing on 15 December 2016.

Hasan Bakırcı
Deputy Registrar

Valeriu Griţco
President