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

SECOND SECTION

DECISION

Application no. 54940/09
Mürüvet SEYHAN
against Turkey

The European Court of Human Rights (Second Section), sitting on 11 October 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 12 October 2009,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Ms Mürüvet Seyhan, is a Turkish national who was born in 1958 and lives in Antalya.

2. The Turkish Government ("the Government") were represented by their Agent.

The circumstances of the case

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

4. The applicant worked as a technician and retired on 17 April 2006. On 30 September 1987 she completed a graduate course, namely Economics, at Anadolu University.

5. On 7 June 1999 the applicant asked Türk Telekom, where she was working, to bring her pay scale into line with her new status as a graduate. Since she had obtained a university degree, she expected to be promoted to a higher grade for each year of work as an economist, in accordance with Article 36 of the Law on Civil Servants (Law No. 657). That, in turn, would have entitled her to a higher salary and pension. On an unspecified date her request was rejected.

6. On an unspecified date the applicant brought an action before the Kayseri Administrative Court for the annulment of the decision to reject her request.

7. On 16 October 2000 the Kayseri Administrative Court dismissed her action. The applicant lodged an appeal against that decision.

8. On 24 December 2013 the Eleventh Division of the Supreme Administrative Court quashed the previous ruling.

9. On 29 September 2005 the Kayseri Administrative Court once again dismissed the applicant's claims. Arguing that that decision was unlawful, the applicant appealed against it.

10. On 12 June 2007 the Eleventh Division of the Supreme Administrative Court upheld the decision.

11. On an unspecified date the applicant petitioned for rectification of the Supreme Administrative Court's judgment. On 18 February 2009 the Supreme Administrative Court dismissed the applicant's petition. The decision was served on the applicant's lawyer on 10 April 2009.

THE LAW

12. The applicant complained under Article 6 § 1 of the Convention that the proceedings before the national courts had not been concluded within a reasonable time. Relying on Articles 4, 14, 17 and Article 2 of Protocol No. 1, she further alleged that she had been required to perform compulsory labour, had been discriminated against and that her right to an education had been denied.

13. The Government contested the applicant's allegations.

14. The Court reiterates that, according to Article 35 § 1 of the Convention, it may only deal with an individual application lodged with it within a period of six months from the date on which the final decision was taken (see *Jakelaitis v. Lithuania* (dec.), no. 17414/05, 16 December 2008, with further references).

15. The Court notes that in the present case the Government did not raise any objection to the admissibility of the application on the basis of the six-month rule established by Article 35 § 1 of the Convention. In this respect the Court is mindful of the fact that the six-month rule is a public

policy rule and that, consequently, it has jurisdiction to apply it of its own motion (see *Assanidze v. Georgia* [GC], no. 71503/01, § 160, ECHR 2004-II), even if the Government have not raised that objection (see *Walker v. the United Kingdom* (dec.), no. 34979/97, ECHR 2000-I, and *Khanustaranov v.Russia*, no. 2173/04, § 37, 28 May 2014).

16. The Court reiterates that in a situation where a final decision has been served on the applicant's counsel and not on the applicant, the six-month period runs from the date on which the applicant's lawyer became aware of the decision, even if the applicant only became aware of it later (see *Pejic v. Croatia* (dec.), no. 66894/01, 19 December 2002; *Andorka v. Hungary* (dec.), no. 25694/03 and 28338/03, 12 September 2006; and *Személy És Vagyonőrök Független Szakszervezeti Szövetsége v. Hungary* (dec.), no. 31777/04, 27 November 2007).

17. Reiterating its considerations in the case of *Sabri Güneş v. Turkey* ([GC], no. 27396/06, § 39-59, 29 June 2012) and noting that the ruling handed down by the Supreme Administrative Court on 18 February 2009 was served on the applicant's representative on 10 April 2009 (see paragraph 12 above), the Court finds that the six-month period within the meaning of Article 35 § 1 of the Convention started to run on 11 April 2009 (ibid., § 60) and expired at midnight on Saturday 10 October 2009.

18. As the application form was only submitted to the Court on 12 October 2009, after the applicable time-limit, the application must be considered to have been introduced validly on that date and was thus out of time (see *Ngendakumana v. the Netherlands* (dec.), no. 16380/11, 5 February 2013). It follows that the application must be rejected pursuant to Article 35 § 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 17 November 2016.

Hasan Bakırcı
Deputy Registrar

Valeriu Griţco
President