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

SECOND SECTION

DECISION

Application no. 47706/10
Mevlüt YEŞILYURT
against Turkey

The European Court of Human Rights (Second Section), sitting on 5 September 2017 as a Committee composed of:
Ledi Bianku, *President,*
Paul Lemmens,
Jon Fridrik Kjølbro, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*
Having regard to the above application lodged on 15 July 2010,
Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Mevlüt Yeşilyurt, is a Turkish national, who was born in 1965 and lives in Kırıkkale.
2. The Turkish Government ("the Government") were represented by their Agent.

A. The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.
4. At the time of events, the applicant worked as a civil servant in Ziraat Bankası, a state-owned bank. Following the adoption of a new law, the authorities started proceedings for the privatisation of Ziraat Bankası and the applicant was, therefore, appointed to another public institution. Furthermore, taking into account the fact that his salary was higher than the employees at the same grade working in the new workplace, the authorities

decided not to give any raise to the applicant until the salaries of his colleagues reached the same level.

5. The applicant brought proceedings before the Kırıkkale Administrative Court, requesting the annulment of his appointment.

6. On 31 May 2007 Kırıkkale Administrative Court held that the applicant's appointment had been in accordance with the domestic law and rejected his case.

7. During the subsequent appeal proceedings before the Supreme Administrative Court, the Chief Public Prosecutor delivered a written opinion on the case; without raising any new issue, he invited the court to uphold the judgment of 31 May 2007. This opinion was not notified to the applicant.

8. On 22 December 2009 the Supreme Administrative Court upheld the judgment of Kırıkkale Administrative Court.

B. Relevant domestic law

9. The description of the relevant domestic law may be found in *Kılıç and others v. Turkey (*(dec.), no. 33162/10, §§ 10-13, 3 December 2013).

COMPLAINTS

10. The applicant complained under Article 6 § 1 of the Convention that the non-communication of the Chief Public Prosecutor's written opinion during the appeal proceedings before the Supreme Administrative Court had violated his right to an adversarial and fair hearing.

11. Furthermore, relying on Articles 6 and 13 of the Convention, the applicant complained that the proceedings had not been fair.

12. Relying on Article 1 of Protocol No. 1 to the Convention, the applicant further maintained that the fact that he had not been given any salary raise in his new work place had constituted a breach of his right to respect for property.

THE LAW

A. Non-communication of the written opinion of the Chief Public Prosecutor

13. The applicant complained that the non-communication of the Chief Public Prosecutor's written opinion during the appeal proceedings before the Supreme Administrative Court had violated his right to an adversarial and fair hearing. In this respect, he relied on Article 6 § 1 of the Convention.

14. The Court notes that it has already examined the same issue in the case of *Kılıç and others v. Turkey* ((dec.), no. 33162/10, §§ 19-23, 3 December 2013) and considered that the applicants had not suffered a significant disadvantage. Accordingly, it has declared this complaint inadmissible in accordance with Article 35 § 3 (b) of the Convention.

15. Having in particular regard to the content of the respective written opinion filed by the Chief Public Prosecutor in the proceedings before the Supreme Administrative Court (see paragraph 7 above), the Court finds no particular reasons to depart from its findings in the aforementioned case.

16. In the light of the foregoing, this complaint is inadmissible and must be rejected pursuant to Article 35 §§ 3 (b) and 4 of the Convention.

B. Other Complaints

17. The applicant raised other complaints under Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1 to the Convention.

18. In the light of the material in its possession and in so far as the matters complained of are within its competence, the Court finds that these complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

19. It follows that this part of the application must be declared inadmissible as being manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 28 September 2017.

Hasan Bakırcı
Deputy Registrar

Ledi Bianku
President