CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 69346/01
by Valeriy Vladimirovich ZHITNIKOV
against Russia

The European Court of Human Rights (First Section), sitting on 30 June 2005 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mrs S. BOTOUCHAROVA,
Mr A. KOVLER,
Mrs E. STEINER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr S.E. JEBENS, *judges*,
and Mr S. QUESADA, *Deputy Section Registrar*,

Having regard to the above application lodged on 14 December 2000,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Valeriy Vladimirovich Zhitnikov, is a Russian national, who was born in 1968 and lives in Moscow. He is represented before the Court by Mr Mikhail Nikolayevich Tolcheyev, a lawyer practising in Moscow. The respondent Government are represented by Mr Pavel Laptev, Representative of the Russian Federation at the European Court of Human Rights.

A. The circumstances of the case

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

On 15 March 1999 the applicant instituted proceedings against his employer for recovery of unpaid salary. In 1999-2000 several hearing on the merits were scheduled. However, they were all postponed for various reasons, including participation of the judge in other proceedings, her sick leave and the applicant's request.

On 23 January 2001 the Basmanniy District Court of Moscow dismissed the applicant's claim.

On 14 June 2001 the Moscow City Court upheld the judgment.

COMPLAINT

The applicant complained under Article 6 of the Convention about the length of the proceedings.

THE LAW

The Court, notes that on 17 June 2004 the Court informed the applicant that notice of the application had been given to the respondent Government. On 25 October 2004 the Court sent the applicant the Government's observations on the admissibility and merits of the application and invited him to submit his observations in reply by 14 December 2004. The applicant did not reply. On 30 March 2005 the Court advised the applicant and his representative that the applicant had not complied with the time-limits for submission of his observations, and that in the absence of an application for extension of the time-limits the Court might conclude that he was no longer interested in pursuing the application and decide to strike it out of its list of cases. On 2 May 2005 the Court received a postal notice with the applicant's signature acknowledging the receipt of the Court's letter on 13 April 2005. The letter to the applicant's representative was returned on 30 May 2005 as undeliverable.

In these circumstances, having regard to Article 37 § 1 (a) of the Convention, the Court concludes that the applicant has lost interest in his application and no longer intends to pursue it before the Court. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the examination of the application to be continued.

For these reasons, the Court unanimously

Decides to discontinue the application of Article 29 § 3 of the Convention and to strike the application out of its list of cases.

Santiago QUESADA
Deputy Registrar

Christos ROZAKIS
President