



## **GYLA is appealing the reduction of financial assistance to an aviation employee in the Constitutional Court**

GYLA, on behalf of Ruslan Gvaradze, a former civil aviation air mechanic, appealed to the Constitutional Court on the constitutionality of the reduction of financial assistance to him. On June 14th, 1987, Ruslan Gvaradze's helicopter was performing a flight in the direction of Tbilisi-Telavi-Omallo. During the landing, the helicopter crashed into a ravine, due to which Ruslan Gvaradze received an industrial injury, lost 80% of his ability to work, and became a person with significant disabilities (at that time a "second group disabled person").

On December 11th, 1997, the then Saburtalo District Court ordered that Ruslan Gvaradze be given monthly financial assistance in 292 GEL and 48 Tetri for an industrial injury he sustained. Based on the decree of the President of Georgia of February 9th, 1999, the Department of Air Transport of Georgia has increased the assistance to Ruslan Gvaradze since 2000 by 773 GEL and 60 Tetri.

By the decree of the President of Georgia issued on February 6, 2007, the decree of

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the President of Georgia of February 9, 1999, was repealed. Instead of a repealed presidential decree, a Government Resolution of March 24, 2007, was passed. With this Resolution, due to the liquidation of the Civil Aviation Administration, the civil aviation employees who had sustained an industrial injury have been terminated from getting an assistance. The Georgian government refused to pay 773 GEL and 60 tetri to Ruslan Gvaradze.

Nevertheless, Ruslan Gvaradze applied to the Tbilisi City Court and requested the issuance of a writ of execution on the Saburtalo District Judgment of December 11, 1997. According to the Saburtalo District Court Judgment, the payment of 292 GEL and 48 Tetri to Ruslan Gvaradze was not based on the Presidential Decree of 9 February 1999 issued a year later. Ruling of August 23, 2007, Tbilisi City Court granted Ruslan Gvaradze's request and issued a writ of execution to enforce the Saburtalo District Court Judgment. According to the writ of execution, the Ministry of Economic Development of Georgia was obliged to pay the amount of 292 GEL and 48 Tetri per month indicated in the Saburtalo District Court Judgment in favor of Ruslan Gvaradze. This Ruling was upheld by the Tbilisi Court of Appeals also. The Ministry of Economic Development and Infrastructure of Georgia continues to pay this amount to Ruslan Gvaradze.

On March 1, 2013, the Government of Georgia adopted a new resolution by which civil aviation employees who were suspended from receiving assistance on August 17, 2007, or September 1, 2007, by the Government Resolution of February 6, 2007, will be fully reimbursed for the assistance they have been receiving before August 17, 2007, or Until September 1st. Based on this resolution, Ruslan Gvaradze was refused to be paid 773 GEL and 60 tetri per month by the Interagency Commission of the Social Service Agency. This is the amount that Ruslan Gvaradze was receiving until August 17, 2007. The reason for the refusal of the Interagency Commission of the Social Service Agency was that Ruslan Gvaradze's assistance was not terminated after August 17, 2007, but the amount of assistance was reduced to 292 GEL and 48 Tetri. According to the decision of the Interagency Commission of the Social Service Agency, the Government Resolution of 1 March 2013 provided for the provision of financial assistance to those persons who were completely suspended from getting assistance on 17 August 2007. This resolution did not apply at all to those whose aid was reduced on 17 August 2007. However, a civil aviation employee who was completely suspended from receiving assistance on 17 August 2007 and this

assistance was restored in 2013, receives the exact amount he/she was receiving before 17 August 2007.

**According to the case-law of the Constitutional Court<sup>[1]</sup>, the reduction of the pension/compensation is a restriction of the property right protected by the first paragraph of Article 19 of the Constitution of Georgia. The Government Resolution of March 1, 2013, confirms the reduction of financial assistance to Ruslan Gvaradze on August 17, 2007, thus restricting the property rights of a civil aviation representative. Restriction of property rights, in this case, is not necessary to save budget funds, as civil aviation employees, who were completely suspended from receiving financial assistance on August 17, 2007, may have received more than 773 GEL since 2013. Consequently, interference with the property right is unjustified and the Government Resolution of 1 March 2013 violates the requirements of the first and second paragraphs of Article 19 of the Constitution.**

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<sup>[1]</sup><https://constcourt.ge/ka/judicial-acts?legal=10449>