

Record of the hearing

Case No: 2008/334

Judge: İbrahim Okur 29491
Clerk: Hatice Aksoy 62789
Date of the hearing: 24.12.2008

Plaintiff and attorney of the plaintiff İsmail Ergüneş and defendant attorney Musa Şahin are present.

It's observed that both sides submitted petitions after the last hearing.

Attorney of the plaintiff said: "We reiterate our previous petition: the termination of the labour contract is null. It should be decided in accordance with our claims that, this termination was made because of plaintiff's unionization activities."

Attorney of the defendant said: "We reiterate all the petitions that we have submitted to the case file: according to the all extent of the file it is obvious that termination of the labour contract was not terminated due to the unionization activity of the plaintiff. So, the case should be rejected."

DECIDED THAT:

Case was accepted.

Termination of the labour contact is null.

Plaintiff should be REINSTATED.

Following the finalisation of the decision, in the case of refusing of the reinstatement of the plaintiff (during the time that is given for applying to employer for reinstatement) by employer, due to fact that termination of the labour contract depends on unionization activity, the compensation payment should be paid as 1 year salary of the plaintiff.

Compensation payment should be made for 4 month salary and other social rights (the period that plaintiff was prevented from work by employer).

Decision, with the right of appeal, was made and read in the presence of attorneys.