



**REPUBLIKA E KOSOVËS**  
**Republika Kosova-Republic of Kosovo**  
**Gjykata Kushtetuese / Ustavni sud / Constitutional Court**  
Adresa: Perandori Justinian, PN. Prishtinë  
T: +381 (0)38 220 104; F: +381 (0)38 220 112; [www.gjk-ks.org](http://www.gjk-ks.org)

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Prishtina, date: 24 March 2010  
Ref. No.: TK 10/10

**DECISION TO STRIKE OUT THE REFERRAL**

**Case No. KI 12/09**

**Mehdi KRASNIQI**  
**against**  
**Ministry of Labour and Social Welfare**

**THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO**

Composed of:

Enver Hasani, President  
Snezhana Botusharova, Judge  
Robert Carolan, Judge  
Ivan Čukalović, Judge  
Iliriana Islami, Judge  
Kadri Kryeziu, Judge  
Gjylieta Mushkolaj, Judge  
Almiro Rodrigues, Judge and  
Altay Suroy, Judge

**Applicant**

1. The Applicant, Mehdi Krasniqi, is residing in Prishtina.

**Subject matter**

2. The Applicant filed the Referral with the Constitutional Court on 16 March 2009. In his Referral he complains that his right to a disability pension has been violated.

## **Legal basis**

3. Article 113 of the Constitution of the Republic of Kosovo (hereinafter referred to as: the Constitution); Articles 20 of the Law No. 03/L-121 on the Constitutional Court of the Republic Kosovo (hereinafter referred to as: the Law), and Section 32 of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo (hereinafter referred to as: the Rules of Procedure).

## **Summary of facts**

4. The Applicant filed a request for a disability pension to the Ministry of Labour and Social Welfare on 15 June 2007.

5. The Ministry of Labour and Social Welfare rejected the Applicant's request by its Decision No 5000956. The Applicant appealed against that Decision within the prescribed time limit of 14 days.

6. On 15 November 2007 the Appeals Committee, acting as the second instance body, rejected the Applicant's appeal. The Appeals Committee argued the Applicant failed to submit relevant evidence to substantiate his appeal and consequently his appeal was rejected as unfounded.

7. However, on 15 May 2009, the Applicant's request for a disability pension was granted by the Ministry of Labour and Social Welfare.

## **Summary of the proceedings before the Constitutional Court**

8. The Applicant submitted his Referral to the Constitutional Court on 16 March 2009.

9. On 23 December 2009 the Applicant informed the Constitutional Court that his request for a disability pension had been granted by the Ministry of Labour and Social Welfare. He attached to his written submission a copy of the Decision of 15 May 2009 issued by the Ministry of Labour and Social Welfare and informed the Court that his claim had been satisfied.

## **The Court's Assessment**

10. In order to be able to decide on the Applicant's request the Constitutional Court needs first to examine, whether the conditions prescribed in Section 32 of the Rules of Procedure have been satisfied.

11. Section 32 of the Rules of Procedure, in the pertinent part, reads as follows:

*"Withdrawal of Referral*

*(1) A party which has filed a referral may withdraw the referral any time before the beginning of a hearing on such referral.*

*(2) Irrespective of a withdrawal pursuant to paragraph (1), the Court may determine to decide on the referral. In such event, the Court shall decide without a hearing on the basis of the referral and a reply, if any, and any documents attached thereto..."*

12. On 18 February 2010, in the light of the above developments, the Judge Rapporteur, Iliriana Islami, recommended to the Review Panel, composed of Judges Robert Carolan (Presiding Judge), Snezhana Botusharova and Ivan Čukalović, to discontinue further examination of the Referral. After having heard the Judge Rapporteur, the Review Panel agreed that there are no special circumstances regarding respect for human rights which would require further examination of the Referral and forwarded its Recommendation to the Court on the same date.

### **FOR THESE REASONS**

The Constitutional Court, pursuant to Article 20 of the Law and Section 32 of the Rules of Procedure, unanimously,

### **DECIDES**

- I. TO STRIKE OUT the Referral.
- II. This Decision shall be notified to the Parties and shall be published in the Official Gazette, in accordance with Article 20.4 of the Law.
- III. This Decision is effective immediately.

**Judge Rapporteur**

**President of the Constitutional Court**

Signed: Prof. Dr. Iliriana Islami

Signed: Prof. Dr. Enver Hasani