

Conclusions of the summary report on the judicial review of the decisions of the Dispute Resolution Board of Government Officials

The jurisprudence-analysing working group was given the task of examining legal disputes launched on the basis of section 190, subsection (2) of Act no. CXCIX of 2011 on Public Servants. In this context, the working group analysed the relevant pieces of legislation, as well as the substantive and procedural law issues that had been raised in the proceedings of the Dispute Resolution Board of Government Officials and in the subsequent judicial review of its decisions. The working group strongly defended the position according to which, with regard to all of its characteristics, public service law, albeit constituting a specific field of law, forms an integral part of labour law.

The jurisprudence-analysing working group raised a number of procedural law issues which mainly result from the fact that the applicable legal provisions are incomplete or insufficient, the status and role of the Dispute Resolution Board of Government Officials are not clearly defined, the procedural rules are not regulated by the Code of Civil Procedure or by any other acts of law or procedural codes, and that, consequently, there are no legal provisions to guarantee the full effectiveness of the rights of government officials. The possibility of requesting the judicial review of the decisions of the Dispute Resolution Board of Government Officials before the competent court is, therefore, an appropriate solution. In such cases, the court should assist the parties to the judicial proceedings in resolving the disputed procedural law issues. Since the principle of the right to have one's affairs handled impartially and fairly by the authorities should be respected at all stages of proceedings, the courts, under the current legislation, should interpret and apply the relevant incomplete provisions in an extensive manner without restricting the rights of the parties and without preventing them from bringing their claims forward.