



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

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THIRD SECTION

Application no. 77135/17
Marko MINIC
against Serbia
lodged on 27 October 2017
communicated on 9 September 2026

SUBJECT MATTER OF THE CASE

The application concerns divergent domestic case-law in respect of claims for the payment of salary supplements for overtime, night work and work on public holidays.

The applicant is a police officer. From June 2013 onwards the domestic courts delivered divergent decisions, simultaneously upholding and dismissing claims lodged by numerous colleagues of the applicant. On 10 November 2015 the Supreme Court issued a legal opinion aimed at harmonising the relevant case-law.

The applicant's compensation claim was dismissed by a final judgment of 27 November 2015 in disregard of the Supreme Court's legal opinion.

On 19 September 2017 the Constitutional Court dismissed the applicant's constitutional appeal as unsubstantiated.

Relying on Articles 6 and 14 of the Convention, the applicant complained that the domestic courts had dismissed his claim while simultaneously and inconsistently ruling both in favour of and against hundreds of the applicant's fellow police officers, despite the fact that their claims had been based on the same or similar facts and had concerned identical legal issues, which had created legal uncertainty and had amounted to a denial of justice.

QUESTION TO THE PARTIES

Did the applicant have a fair hearing in the determination of his civil rights and obligations, in accordance with Article 6 § 1 of the Convention? In particular, was the mechanism for overcoming inconsistencies in the domestic case-law applied in the applicant's case and, if so, to what effect, having regard to the fact that his civil claim was dismissed after the adoption of the Supreme Court's legal opinion of 10 November 2015, in a manner inconsistent with the interpretation set out therein (see *Šabanović and Others v. Serbia*, nos. 39819/16 and 4 others, §§ 87, 88, and 103-16, 7 October 2025)?