

1985 June 12

[TRIANTAFYLLIDES, P.]

IN THE MATTER OF ARTICLE 146  
OF THE CONSTITUTION

THRASSOS GEORGHIADES,

*Applicant,*

v.

THE REPUBLIC OF CYPRUS, THROUGH  
THE DIRECTOR OF SOCIAL INSURANCE  
SERVICES,

*Respondent.*

*(Case No. 541/82).*

*The Social Insurance Law 41/80 as amended by laws 48/82 and 11/83—The Social Insurance (Contributions) Regulations 1980 as amended by the Social Insurance (Contributions) (Amendment) Regulations 1982—Apostolou v. The Republic (1984) 3 C.L.R. 509 applied.*

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The applicant by this recourse impugned the decision requiring him to pay social insurance contributions as a self-employed person on the ground that the relevant social insurance scheme is unconstitutional.

*Held*, dismissing the recourse, that as all the aspects of the social insurance scheme which are relevant to the outcome of this recourse have been considered by the Full Bench in *Apostolou v. The Republic* (1984) 3 C.L.R. 509 this recourse is, on the basis of the reasoning in the main judgments in that case delivered by A. Loizou, J. and in the judgment in that case delivered by Triantafyllides, P. manifestly ill founded.

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Observations: Litigants who continue to raise the same unfounded issues after they have been pronounced on by

the Full Bench of this Court will, as a rule, have to pay the costs.

*Recourse dismissed.  
No order as to costs.*

5 Cases referred to:

*Apostolou v. The Republic* (1984) 3 C.L.R. 509.

**Recourse.**

10 Recourse against the decision of the respondent where-  
by applicant was required to pay contributions as a self  
employed person under the provisions of the Social In-  
surance Law, 1980 (Law No. 41/80) (as amended by Laws  
Nos. 48/82 and 11/83) as well as under the provisions of  
the Social Insurance (Contributions) Regulations, 1980,  
and 1982.

15 Applicant appeared in person.

*Cl. Theodoulou (Mrs.)*, Counsel of the Republic, for  
the respondent.

*Cur. adv. vult.*

20 TRIANTAFYLIDIS P. read the following judgment. The  
applicant, who is a self-employed physiotherapist, com-  
plains, in effect, against a decision of the respondent re-  
quiring him to pay contributions as a self-employed person,  
under the relevant provisions of the Social Insurance Law,  
1980 (Law 41/80), as amended by the Social Insurance  
25 (Amendment) Law, 1982 (Law 48/82) and the Social In-  
surance (Amendment) Law, 1983 (Law 11/83), as well as  
under the provisions of the Social Insurance (Contribu-  
tions) Regulations, 1980 (No. 240, Third Supplement,  
Part 1, to the Official Gazette of the Republic of 29th  
30 August 1980), as amended by the Social Insurance (Con-  
tributions) (Amendment) Regulations, 1982 (No. 259, Third  
Supplement, Part 1, to the Official Gazette of 15th October  
1982).

35 I have perused carefully the application in this recourse,  
which was drafted and filed by the applicant in person, and,  
also, the written addresses, which were filed by the appli-

cant again in person, including the written address which was filed by the applicant after judgment had been reserved in Court in his presence.

I have, also, studied the contents of the Opposition and of the written address which was filed by counsel for the respondent. 5

It appears that the applicant's main contentions are that the scheme of social insurance, which has resulted in the imposition on him of the duty to pay the complained of by him contributions, is unconstitutional because it is arbitrary, unjust and unreasonable, especially as regards the classification of the applicant under the relevant provisions of the aforementioned Regulations and, also, because it is discriminatory in that it makes an unreasonable distinction between self-employed persons and employed persons, especially since self-employed persons do not receive certain benefits under such scheme which employed persons enjoy. 10 15

All the aspects of the aforesaid social insurance scheme which are relevant to the outcome of the present recourse have been considered by the Full Bench of this Court in *Apostolou v. The Republic*, (1984) 3 C.L.R. 509, and, on the basis of the reasoning which is stated in the main judgment which was delivered by my learned brother M. Justice A. Loizou and in a separate concurring judgment of mine, I have come to the conclusion that this recourse is manifestly ill-founded and has to be dismissed as none of the applicant's complaints can be sustained as correct in the light of the reasoning in the judgments delivered in the *Apostolou* case, supra; and such reasoning, which need not be repeated in the present judgment, has to be treated as incorporated herein by reference and as being applicable, mutatis mutandis, to this case as well. 20 25 30

As the applicant has filed his recourse in person I have decided not to penalize him with an order for costs against him, as I would have done had he been represented by counsel. I should stress, however, that litigants who conti- 35

nue to raise the same unfounded issues after they have been finally pronounced on by the Full Bench of this Court will, as a rule, have to pay the costs of their unsuccessful litigation.

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*Recourse dismissed.**No order as to costs.*