

1986 January 15

[TRIANTAI YLLIDES, P.]

IN THE MATTER OF ARTICLE 146  
OF THE CONSTITUTION

PHRINI PAPADOPOULOU AND ANOTHER,

*Applicants,*

v.

THE CYPRUS BROADCASTING CORPORATION  
AND OTHERS,

*Respondents.*

*(Case No. 187/83).*

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*Constitutional Law—Equality—Sex discrimination—Constitution,  
Article 28—It does not exclude reasonable differentia-  
tions.*

5 After the interim decision<sup>1</sup> issued in this case the only  
remaining issue is the complaint of the applicants that  
subsequently to their appointments they have not been  
accorded equal treatment on ground of sex with male  
*Announcers/Newsreaders, who were appointed with scale*  
*A. 10.*

10 The Court found that the reason of the refusal to em-  
place the applicants on salary scale A.10 was that the  
two male counterparts of the applicants were already at  
the time of the present reorganisation of the staff of the  
respondents on a higher scale than that of the applicants  
15 and were holding posts of *Announcers/Newsreaders* to  
which the applicants were appointed later.

*Held, dismissing the recourse, that Article 28 of the  
Constitution does not exclude reasonable differentiations.  
The refusal in question was not due to applicants' female*

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\* (1985) 3 C.L.R. 2274

sex but to other considerations on the basis of which a reasonable differentiation was made as between the two applicants and the two other Announcers/Newsreaders, who happened to be male.

*Recourse dismissed.* 5  
*No order as to costs.*

**Cases referred to:**

- Kartapanis v. The Republic* (1985) 3 C.L.R. 526;  
*Panos Lanitis and Sons (Investments) Limited v. The Republic* (1984) 3 C.L.R. 1588; 10  
*Yiaki Estates Ltd. v. The Improvement Board of Ayia Napa* (1984) 3 C.L.R. 966;  
*Parides v. The Republic* (1984) 3 C.L.R. 715;  
*Apostolou v. The Republic* (1984) 3 C.L.R. 509.

**Recourse.** 15

Recourse against the decision of the respondents to appoint the applicants to the post of Announcers/Newsreaders with salary scale A 8/9 and not with salary scale A.10.

*K. Talarides*, for the applicants. 20

*P. Polyviou*, for the respondents.

*Cur. adv. vult.*

TRIANAFYLLIDES P. read the following judgment. On the 4th September 1985 I gave in these proceedings an interim decision\* as a result of which the present recourse of the applicants was dismissed as regards their complaints that they have been appointed to posts of Announcers/Newsreaders with salary scale A 8/9, and not with salary scale A.10, and that their appointments have not been made with retrospective effect. By means of my said decision there was held, however, that the recourse of the applicants was to be heard in respect of their complaint 25 30

\* Reported in (1985) 3 C.L.R. 2274.

that, even subsequently to their appointments, the applicants, because of discrimination on the ground of sex contrary to Article 28 of the Constitution, have not been accorded equal treatment with male Announcers/Newsreaders  
5 who were appointed with scale A.10.

My aforementioned decision of the 4th September 1985 must be treated as being incorporated in, and as forming part of, this judgment for the purposes of the final determination of the present case.

10 Pursuant to my said decision I heard this case further and, on the totality of the material now before me, I am satisfied that the respondents continue to refuse to em-  
15 place the applicants on salary scale A.10 solely because such scale was given to two male counterparts of the ap-  
10 plicants as a personal salary scale, in view of the fact that at the time of the recent reorganisation of the staff of the  
Cyprus Broadcasting Corporation the said two male coun-  
20 terparts of the applicants were already on a higher salary scale than that of the applicants, and, also, were holding  
posts of Announcers/Newsreaders to which the applicants were appointed later. Consequently, there was made a  
reasonable differentiation as between the applicants and  
their two male counterparts; and there is nothing before  
25 me showing that any other person, either male or female,  
has ever since been appointed to the post in question with  
a salary scale higher than that of the applicants.

The right to equality, which is safeguarded by Article 28 of the Constitution, does not exclude reasonable differ-  
30 ferentiations and useful reference, in this respect, may be made, inter alia, to *Kartapanis v. The Republic*, (1985) 3  
C.L.R. 526, 532, *Panos Lanitis and Sons (Investments) Limited v. The Republic*, (1984) 3 C.L.R. 1588, 1594,  
*Yiaki Estates Ltd. v. The Improvement Board of Ayia Na-  
35 pa*, (1984) 3 C.L.R. 966, 973, *Parides v. The Republic*,  
(1984) 3 C.L.R. 715, 725 and *Apostolou v. The Republic*,  
(1984) 3 C.L.R. 509, 523, 528.

In the light of all the foregoing it is clear that the ap-  
40 plicants were refused the salary scale A.10, instead of the salary scale A 8/9, not because of their female sex but  
because of entirely other considerations on the basis of

which a reasonable differentiation was made as between the applicants and two other Announcers/Newsreaders who happened to be male. Consequently, it has not been established at all to my satisfaction that the applicants are victims of discriminatory treatment, contrary to Article 28 of the Constitution, on the ground of their female sex. 5

As a result this recourse fails and is dismissed accordingly as a whole, on the strength of the reasons given today and of those set out in my aforesaid decision of the 4th September 1985; but I will not make any order as regards its costs. 10

*Recourse dismissed.  
No order as to costs.*