

Appealing the Disciplinary Judgement before the Board of Grievances

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This research deals with the disciplinary judgement, the manner and duration of the objection and the procedures to file the objection. This research also deals with those who have the right to object to disciplinary judgement and the terms of appeal to the Administrative Court of Appeal. It also discusses that appeal at the Supreme Administrative Court against the judgement may be issued by the administrative courts of appeal after reviewing the disciplinary judgement, its reasons and procedures, and how to hear the appeal and present the defences.

Key words: *Disciplinary judgement, Board of Grievances, Administrative Court of Appeal.*

Introduction

A disciplinary case is regarded as a type of administrative case through which the administrative judiciary uses its disciplinary power, examines its reasons and procedures, and terminates the case by virtue of a final binding of judicial judgement. In fact, it deals with the examination of the violation of the employee and the existence of the accusation. This violation is described as a disciplinary offence, until impose the judgement of the punishment of the employee who committed the violation or to be acquitted if he is not already convicted. In the case of convicting a public official clerk, this employee has a right to object to the judgement against him. The judge who issued the judgement is not free from committing errors. The law should have secured the interests of the litigants in the disciplinary case to approve or to challenge the judgement issued in this regard. The Saudi law has specified methods for appealing or objecting to judgements exclusively. The ways of objecting to their judgements with a view to reconsidering their decisions are also called a reconsideration petition.

The research problem is that the objection to the disciplinary judgement is an important guarantee to ensure the seriousness of judgements issued by the judiciary authority. Hence, the employees do not usually use this method because they do not know its importance. This research identifies the ways to object to the disciplinary judgement and the duration of the objection to serve justice. We also try to understand the way to appeal before the Administrative Court of Appeal, the procedures for objection and how to appeal the judgements issued by the Administrative Courts of Appeal before the Supreme Administrative Court. We also discuss the ways to review reconsideration and the procedures to be filed for reconsideration appeal. The research is important through identifying how to challenge the disciplinary judgements, the dates of objection and procedures to be followed. It also makes easier the way to know the procedures followed before the administrative courts in the Board of Grievances. It helps in identifying the procedures followed by the Supreme Administrative Court when an appeal on the judgements is issued by the Administrative Courts of Appeal.

The research is based on the meta-analysis to find out the objection to the disciplinary judgement, how the objection is conducted and its duration, and the procedures followed whilst appealing against the judgements issued by the Administrative Courts of Appeal before the Supreme Administrative Court. We also discuss the reasons, the manner, the procedures and the dates of the appeal whilst requesting a reconsideration.

Objecting the Judgement Issued in the Disciplinary Case

The law in the Kingdom of Saudi Arabia allows objection to the judgement of the disciplinary action in three exclusively identified ways (Appeal - Reconsideration - Appeal before the Supreme Administrative Court) to file in different courts, including the one in which the appeal is submitted to the court to reconsider the judgements. These also include appealing to a court higher than the issuer court of the appellate judgement similar to the Administrative Court of Appeal or to the Supreme Administrative Court. If the court's judgement of conviction is not accepted by the convicted person, or the judgement is not accepted by the prosecution side, or the prosecution side may consider that the judgement is not appropriate with the penalty provided for the disciplinary error committed by the defendant, it may be challenged based on a personal interest in the objection (Al-Metwally, 2004).

The convicted person shall not be entitled to object the judgement in Article (177/1) (The Executive Regulations for the Pleading System, 2014). The convicted and sentenced person is not present, whose requests are all fulfilled according to the article 177 of the Executive Bylaw of the Shariah Law. The convicted person cannot object to Article (177/3) (The Executive Regulations for the Pleading System, 2014). If the judgement is issued against

several persons then each of them may appeal against the judgement Article (177/4) (The Executive Regulations for the Pleading System, 2014).

Appeal to judgement can be divided into two types in terms of their appeal-ability or non-appeal-ability. Judgements may not be challenged only with objection to the judgement in the subject. It does not end all or part of the litigation, such as refusal of admission or interference and cross-requests, and refusal to suspend the case as per Article (178) (The Sharia Pleadings System, 2014). Secondly, the judgements may not be challenged before the judgement in the subject matter. These are the judgements issued to stop the lawsuit, the temporary and urgent judgements, the enforceable judgements and the judgements issued after the jurisdiction. The objection shall not entail the suspension of their execution. The procedures for objection to the judgements in the system of Shariah law are also applied as per article (178) (The Sharia Pleadings System, 2014).

In order to accept the objection, it shall be submitted within the period specified for objection (Al-Wafa, 2012) as per Article (12) of the Law of the Board of Grievances (appeal judgements issued by the Sharia courts). Judgements issued by administrative courts are not subject to appeal unless they are filed within the time limit specified in the (Law of Pleadings before the Board of Grievances, 2014), which is 30 days. Article (33) of the Law of Pleadings before the Board of Grievances may be consulted if the time limit expires to appeal with regard to the duration of the appeal before the Supreme Administrative Court. The period of appeal starts from the date of receipt of a copy of the judgement by the Administrative Court. For absentee judgements, the period of objection starts from the date of receipt. The Executive Regulation of the Law of Sharia Pleadings specifies that the period of objection should take effect from the day of receipt of the copy of the deed or from the day specified for receipt of article (179) (The Executive Regulations for the Pleading System, 2014). The authority is responsible for the convicted, arrested or imprisoned person who brings to the court on the date specified for receiving the copy of the judgement within the period specified for its receipt. Then, it may prepare to submit the objection file within the period specified for objection as per article (179/3) (The Executive Regulations for the Pleading System, 2014).

The wisdom is also to set a short date for appealing against the judgement issued by the administrative courts, the desire to stabilise the administrative situation and before the initial judgement which does not remain for a long time subject to objection. The Saudi Law tries to reconcile the interests of individuals to have sufficient time to object. The interests of the administration and the beneficiaries of the judgement provide the stability for the legal centres (Makhlouf, 2013). In some cases, the appeal is not valid i.e. death of the appellant, loss of appellant's eligibility and the demise of the status of the initiation of lawsuit. Upon the death of the defendant in the disciplinary case, the disciplinary action shall expire, and the

suspension shall continue in other cases until the bidder is removed as per article (180) (The Sharia Pleadings System, 2014).

Procedures for filing an objection to judgements are applicable to all types and methods of objections. Accordingly, the Law of Pleadings before the Board of Grievances states that the same procedures are prescribed before the appeal Administrative Courts and the Supreme Administrative Court as per Article (35) (Law of Pleadings before the Board of Grievances, 2014). In particular, the procedures to the lawsuit and the procedures for issuing judgements are as per Article (35/1) of the Executive Regulations of the Procedure Law. The executive regulations of the law indicate that all types of objections and applications should be deposited at the Department of Claims and Judgements. This should be in the presence of the objector or the applicant or his representative as per article (2/35) (The Executive Regulations of the System of Pleadings, 2014), otherwise, the Board of Grievances shall not be deemed to be deposited.

Appealing the Disciplinary Judgement

Appeal is regarded as an ordinary method of objection, it meaning that the appellant can base his appeal on the appropriate reasons without adherence to specific reasons as opposed to an appeal to the Supreme Administrative Court as well as a request for a reconsideration (Al-Wafa, 1974). The Administrative Courts of Appeal have jurisdiction over the appealable judgements issued by the Administrative Courts as per article (12) (Law of Pleading before the Board of Grievances. In order to accept the appeal (objection), it must include a personal interest and the judgement itself should be subject to the appeal. Accordingly, the decisions are issued before the adjudication of the issued lawsuit and the lawsuit does not end in whole or in part. It is also required that the objector should be adhere to the prescribed duration of the objection. If the convicted person or his representative wants to challenge the judgement of appeal, then he should submit the Appeal file. This file should include an evidence of the appellant judgement, a summary of the judgement to be appealed, the reasons on which the appeal is based and the requests that the appellant wants to achieve from the appeal.

The appeal file should be submitted to the Department of Lawsuit and Judgements of the Court in accordance with the procedures prescribed per article (36) (Law of Pleadings before the Board of Grievances, 2014). The appellant should complete all the prescribed procedures within the prescribed period of appeal. If the prescribed period of appeal expires without completing all the procedures, then the Claims Department should send to the competent / relevant? Administrative Court of Appeal within three working days of the expiry. This is stipulated in article (36/1) (Law of Pleadings before the Board of Grievances, 2014).

Once the appellant has completed the appeal procedure within the prescribed period of the objection, the Department of Lawsuit and Judgements should send the appeal file accompanying the case file to the Administrative Court of Appeal within a period not exceeding three working days as per article (36) (Law of Pleadings before the Board of Grievances, 2014). A suitable number of copies of appealing files for the appellant should be enclosed to the appeal file. The Department of Lawsuit and Judgements of the Administrative Court of Appeal register the appeal on the day of its arrival and refer it to the competent / relevant? department. If the objection is accepted after completing all the data and procedures, then the Court of Appeal can re-examine the dispute for adjudication. The Administrative Court of Appeal has all the powers of the Administrative Court and has full authority to examine the facts of the case. Furthermore, it may re-investigate the evidence, it may assess the facts in the light of the documents and may check submitted defences. If the court completes the examination of the facts in order to prove, then proceeds to the application of legal or statutory judgements as per article (37) (Law of Pleadings before the Board of Grievances, 2014).

Accordingly, the appeal should transfer to the Administrative Court of Appeal with all the documents and evidence presented by the appellant before the Administrative Court. The Court of Appeal is obliged to respond to it as soon as the judgement is appealed. If the Administrative Court of Appeal neglects the adjudication of the defence (Makhlouf, 2013), then its jurisdiction is flawed by the defect of deficiency which necessitates its reversal from the Supreme Administrative Court. There may be more than one judgement in one case among these laws of the existing lawsuit. The objection to the termination of the judgement should result in the resumption of all the judgements that have already been issued in the lawsuit. The Law of Pleadings before the Board of Grievances (2014) stated that if two judgements are rendered, one of which determines the original application of the case and the other adjudicates the provisional application, then the appeal of the judgement in the provisional request should inevitably require for the appeal of the judgement as per original application. In this case, the convicted person shall be deducted from the original application (38/2).

The judgement of the Administrative Court of Appeal is not free from three hypotheses either upholding, amending or cancelling the appealed judgement. Nor referring to the Supreme Administrative Court, this origin is subject to some exceptions in view of the Law of Pleadings before the Board of Grievances (The Executive Regulation for the Pleading, 2014) and it would be implemented as per regulations of article 39 of the Law of Procedure before the Board of Grievances. New applications should not be accepted before the Administrative Court of Appeal and the Court will judge it (The Executive Regulation for the Sharia Pleading System, 2014), new applications meaning those applications that have not already been submitted to the Administrative Court. This should include the meaning of new reasons

not raised before the Administrative Court. Applications have been made before the Administrative Court and have not been challenged by appeal (Makhlouf, 2013). The rule of the disciplinary proceedings-contested by appeal only be entered by the parties to the case. An exception may be involved to show the truth only. It is not allowed to interfere in the lawsuit or joining lawsuit in the disciplinary case (The Executive Regulation for the Sharia Pleading, 2014). For the accession of intervention, the law has authorised the non-disciplinary action as per article (41) (Law of Pleadings before the Board of Grievances, 2014).

After the judgement of the Administrative Court in the case brought before it, each party to the lawsuit in the disciplinary case has the right to challenge the judgement rendered by the Administrative Court whether it is an appeal by the prosecution or by the defendant employee. If an appeal is subsequently filed by the other party in the same original litigation (Makhlouf, 2013), it is called a "counter-appeal". In all cases, the appeal must be filed by those who have its rights and also have an interest. A sub-appeal shall be considered as a copy of the corresponding appeal which should balance the status of the parties to the appeal (The Executive Regulation for the Sharia Pleading System, 2014). It may happen that one of the adversaries is satisfied upon his sentencing. For example, in a disciplinary case, the prosecution may request a deduction from the defendant's net salary of three months. If the defendant appeals against the judgement of appeal, then the abolition of the warning penalty should be cancelled. The Prosecutor may file a sub-appeal after the expiry of the period specified of the objection as per article (42/1) (The Executive Regulations of the System of Proceedings before the Board of Grievances, 2014). The right remains available until the closing of the proceedings before the Administrative Court of Appeal.

The appeal should be filed as per the normal procedures prescribed for filing the original appeal or by a memorandum containing the reasons for the appeal as per article (42) of the Executive Regulations of the (Law of Pleadings before the Board of Grievances, 2014). If the original appellant cancels his appeal, then the decision to accept this cancellation entails the removal of the sub-appeal. The cancellation of the disciplinary judgement in the disciplinary case would result in the cancellation of all subsequent decisions and actions on the annulled judgement. The judgement would remain in force unless the fragmentation is not possible as per Article (42) (Law of Pleadings before the Board of Grievances, 2014).

Reviewing the Disciplinary Judgement

The request for reconsideration would be considered as an unusual method to challenge the final judgements and it would be submitted to the same court that made the judgement if any of the reasons specified by the system are available exclusively. It will be in the final judgements whether issued by the courts of first degree or by the courts of second degree (Al-

Wafa, 2012) including the judgements of the Supreme Administrative Court. The request for reconsideration should be submitted to the court that made the judgement and the case should be re-examined in the light of any information which the court was not aware of at the time of the judgement (Al-Helou, 1985).

According to the civil and commercial procedures system in the Saudi Arabia, the application for reviewing should be submitted to the court that issued the judgement for reconsideration. This is based on the fact that the intention is merely to alert the court to be corrected in its judgement for inadvertent omission or because of the judgement of the convicted person. A higher court can do it but another court of the same degree can't do it (Al-Wafa, 2012). The regulator may specify the reasons for reconsideration exclusively as per article (43) (Law of Pleadings before the Board of Grievances, 2014). The Law is an exception to the correction of judgement and the return of justice and equity.

To accept a request for reconsideration, two conditions are required. One is that the objected judgement should be based on a witness's testimony, such that this testimony should affect the contested judgement. It is not for the court's belief in the validity of the testimony and it has not been rendered in the judgement. The second condition is that the certificate is forged by virtue of a judgement issued by the judiciary after the issuance of the objection on the judgement. Before filing the application for reconsideration, a request for reconsideration would not be accepted if it has the purpose of proving the forgery of the certificate. After the judgement is issued, the objector obtains conclusive documents in the lawsuit which he was unable to obtain before the judgement as per Article (200/1) (The Sharia Pleadings System, 2014).

To prove the fraud of the opponent which would affect the judgement, article (200/1) of the system of fraud would spoil everything including fraud, surprise and the means used by an adversary against another adversary in order to mislead the court – which makes it wrong, for example preventing the adversary from reaching the person who sent him, or if he agreed with his opponent's lawyer to betray his client, or if he used intimidating means to prevent his opponent from coming to court or preventing him from expressing his defence. Judgement of the objection is requested by the adversary. Originally, the court can only rule on what it is required to rule on but it may deviate from that original and a decision can be on something which litigants did not request. So for the rights, which are not conducive to the establishment or denial of rights, the court must abide by the limits of the application submitted. Therefore, the court does not judge outside of what has been requested. However, matters of public order are considered before the Court even though they are not raised by the litigants. If the litigants did not request to do so, such judgement on their own may be initiated to take action of proof.

It is established in the theory of the case that the court is bound in its judgement to the claims submitted by the appellants. It cannot override them and therefore may not rule on something that the appellants did not request or that they are ordering more than they requested, or they spend more than they asked. The parties have the right to demand the cancellation of their decisions due to exceeding the limits of what the appellants requested (Al-Helou, 1985). Given that the disciplinary punishment and its punishment relate to public order, the admission of other accused and the disciplinary department of the Administrative Tribunal do not comply with the claim sheet and the specific demand for a specific penalty. It may order the imposition of a penalty higher or lower than the request of the prosecution and may order the admission of other accused (The Set of Legal and Legal Principles, 1979). But, it does not exceed the article (200/1) (Executive Regulations of the Law of Sharia Pleadings, 2014).

Contradiction in the operative part of the judgement permits the review of the judgement to make its implementation impossible. The contradiction is that it does not permit reconsideration, although it allows for objection before the Supreme Administrative Court. It also comes from the contradiction between the operative part of the judgement and its reasons, and the contradiction between the two judicial judgements. On the other hand, the reasons for the judgement may include the merits of the case. It is an integral part of the operative part of the judgement that is inseparable and it is one of the reasons for reconsideration.

These are three cases that do not conform to the nature of the disciplinary action stipulated in the article (200) (The Sharia Pleading System, 2014). If the judgement is made in absentia, then presence of the prosecutor in the disciplinary case is a legislative obligation. It is necessary to postpone the hearing of the case – if the defendant is absent as per article (12) (Law of Pleadings before the Board of Grievances, 2014); secondly, if the judgement is issued against those who were not properly represented in the lawsuit; thirdly, if the judgement is an argument against a person who has not entered the lawsuit or intervened in it.

Appeal Against the Disciplinary Judgement before the Supreme Administrative Court

The Supreme Administrative Court is a court which does not examine the merits of the case but its work is limited to examining the legality of the judgement, and to find out whether this article is in accordance with the law or not. The Supreme Administrative Court is competent to hear objections to the judgements of the Administrative Courts of Appeal whether the articles are disciplinary or non-disciplinary. The jurisdiction of the Supreme Administrative Court is limited exclusively in six cases.

The first requirement is the reasons for objection before the Administrative Court. As mentioned before, the Supreme Administrative Court is a court of order, and therefore the

reasons for objection are the same as the jurisdiction of the Supreme Administrative Court. Issuance of the Court of Appeal judgement is valid in case of violation of the law of Islamic Sharia, or regulations whose articles do not contradict the law of Islamic Sharia, to contravene it directly, or in the application of Sharia or legal judgements, or when interpreted in the case of application, and taken in accordance with the meaning of what the law. In the area of discipline itself, the Supreme Administrative Court may impose on the objectionable judgement every time once the disciplinary court violates a legal judgement governing the lawfulness of discipline. For example, the employee shall be punished only if he commits a disciplinary offence and shall not be punished except from the penalties provided as per law (no crime and no penalty except on the basis of a written law). Such penalties would be imposed only by a disciplinary authority which has the power to impose such penalties provided that the employee is able to defend himself in accordance with the disciplinary procedures prescribed. Similarly, if the employee is found guilty of a crime, the Supreme Administrative Court will overturn the appealed judgement and impose the appropriate penalty (Al-Tamami, 2012).

Issuance of the objection by the competent / relevant court includes all types of spatial, temporal, objective and personal jurisdiction. Although, it is inconceivable to issue a judgement from a court of competent jurisdiction. The judgement in question is issued by a department that is not properly constituted in accordance with the Law. This includes the presence of a judge who was not a member of the department hearing the case or of one of the judgements who participated in the issuance of the judgement or who has rendered an opinion on the merits, or considered as an expert or any arbitrator (Al-Tamami, 2012). The absence of the Secretary of the department from attending the hearing session should not affect the judgement because he is not a member of the Court (Makhlouf, 2013).

The mistake in adapting or describing the incident is that the Court of Appeal does not give the correct description of the incident which means that the wrong text is applied to the incident in question. Violation of the validity of the prescribed thing for the Court of Appeal is to issue a judgement that contradicts another judgement, in order to prevent conflicting judgements. Conflict of jurisdiction between the courts of the Board of Grievances or by a judgement is issued by more than one administrative appeals court, which is called “negative conflict”, or by proving jurisdiction in one case between more than one court is called “positive conflict”. The Board of Grievances has only one administrative court in each degree in terms of type and the administrative court prevents the conflict in jurisdiction qualitatively. But, it is conceivable in the spatial jurisdiction, such as the issuance of the judgement denying jurisdiction from the Administrative Court of Appeal located in another city where the prosecution is located, and the same from the Court of Appeal Administrative office located in the work place of the defendant employee in a disciplinary case.



The second requirement is the procedures for lifting and recording the objection. These procedures begin with the filing of the appeal documents by the objector or his representative at the Administrative Court of Appeal which issued the objection to the judgement. The procedures for filing the documents are the same as for filing a lawsuit as per article (45) (Law of Pleadings before the Board of Grievances, 2014). It states that the objection should be filed before the Supreme Administrative Court in a newspaper filed by the objector or his representative before the Administrative Court of Appeal which was issued for the judgement as per the procedures established for filing the case.

The third requirement is the consideration of the objection and judgement and the submission of defences and requests. Originally, objection to the judgement before the Supreme Administrative Court does not stop the execution of the contested judgement. However, the objector may request this in the objection document file. The Department of Lawsuits and Judgements would transmit a copy thereof and its annexes to the department within one day at most from the date of its registration. It should continue to fulfil the necessary procedures, and the department should then assess that the execution of the judgement must have irreparable effects. The hearing session is determined by the parties to the case. If the court orders the stay of execution, then it should take this into account when determining the hearing session of the objection. Then, it determines a hearing session to consider whether or not to suspend execution. The court should be notified of the parties to the case. If the court orders the stay, then it should take this into account in determining the hearing session of the objection as per article (49) (Law of Pleadings before the Board of Grievances, 2014). However, if the judgement requires the defendant to be dismissed in the disciplinary case, then the objection before the Supreme Administrative Court would suspend the execution of the judgement until the adjudication of the case as per article (49) (Law of Pleadings before the Board of Grievances, 2014).

Once the department decides on the stay of execution, it should return it to the Department of Claims and Administrative Articles to include it in the objection case file. In the event that the request for a stay of execution is rejected, it would be sufficient to prove that refusal in the minutes of the session as per article (49/2). The defendant may submit his defence by a memorandum deposited with the Department of Lawsuit and Administrative articles in the number of parties to the objection, and shall enclose such documents as he deems necessary within thirty-days from the date of his notification in the lawsuit, and he should submit the proof of deposit as per article (50/1) (Law of Pleadings before the Board of Grievances, 2014).

Thirty days after the expiry of the time limit for the defendant to present his defence which has been fixed in accordance with the Law, the objector may file a memorandum with the Department of Claims and Judgements with the number of parties to the objection. He may

attach all documents in support of the validity of his claim. In case of having many objectors, each of them should, within the prescribed time limit, file a memorandum in response to the memorandum submitted by the objector against them as per article (50/2) (Law of Pleadings before the Board of Grievances, 2014). If the objector uses his right of response, then the objector may file a memorandum with the same conditions within a further period of thirty days as per article (50/3) (Law of Pleadings before the Board of Grievances, 2014).

In all cases of exchange of memos between the parties to the case, they should be deposited to the Department of Lawsuit and Judgements, and the Provider should give proof thereof. Then, they must follow for their records, as well as to make sure of receiving article (50) (Law of Pleadings before the Board of Grievances, 2014). If the objector has the right to a defence, then he has the right to request the inclusion of any party to the pleadings to which the objection has not been addressed. This should be notified and required by the Department of Lawsuit and Judgements to be included in the lawsuit in the objection document file. The objector may file a defence memorandum with such documents as it deems necessary to be filed with the Department of Lawsuit and Judgements in the relevant court within 30 days from the date of notification of the lawsuit as per article (51) (Law of Pleadings before the Board of Grievances, 2014).

Anyone who was a party to the lawsuit in which the objection was issued may intervene in that objection. Anyone who has not been notified of the objection document file by the parties to the lawsuit in which the objected judgement is rendered, he may intervene in the objection, requesting the judgement to reject it, and should file a defence memorandum. With the supporting documents. He should appear to the court's administration of cases and judgements before the expiry of the deadline for the objection of the defence against him as per article (52) (Law of Pleadings before the Board of Grievances, 2014). No memorandum or paper would be accepted after the expiry of the deadlines set for submission. Therefore, the Department of Lawsuit and Judgements should prepare a record stating the date of submission, the name of the person who submitted it and its description, and then place it in the file of objection as per article (53) (Law of Pleadings before the Board of Grievances, 2014).

After the expiry of the deadlines and periods set by the system for submitting defence memorandums, the Department of Lawsuit and Judgements should send the file of the objection to the relevant department. One of its judgements to examine the objection and should prepare a report containing a summary of the reasons for the objection and its response. Then confining confirming? the areas of disagreement between the parties without giving their opinion, the report should be submitted to the department. If it considers that the objection is unacceptable or unacceptable because of the objection deadlines, or unacceptable for its stay rather than the reasons underlying the objection before the Supreme

Administrative Court, or on the reasons contrary to what was established by the Supreme Administrative Court, the court must order not to accept the objection, and this is by a decision established in the minutes of the hearing session with a brief reference to the reason for the decision as per article (54) (Law of Pleadings before the Board of Grievances, 2014). The department should limit its consideration to the reasons for objection and should exclude other reasons with a brief reference to the reason for the exclusion as per article (55) (Law of Pleadings before the Board of Grievances, 2014).

If the department considers that the objection is worthy of consideration, then it should determine a hearing session for its consideration. The department should inform the parties to the lawsuit who filed their submissions at the date of the hearing session at least 15 days earlier. Basically, the objection before the Supreme Administrative Court may be decided without a pleading before the court. However, in violation of this principle, the department may hear the statements of the parties to the objection, if it deems necessary. The parties are prohibited from giving any oral reasons at the hearing session rather other? than those mentioned in the objection document file, unless the reason is related to the public order as per Article (56) (Law of Pleadings before the Board of Grievances, 2014). The Department has also an exception to the original prohibition of filing of memos after the expiry of the available date and may authorise the parties to file supplementary notes, except when the department considers that the adjudication of the case requires it. It should then postpone the hearing of the objection to another session, and should specify the dates on which the pleadings should be deposited as per article (57/2) of the (Law of Pleadings before the Board of Grievances, 2014).

If the department has overturned the contested judgement, then it should have one of three cases. The first case is the overturning the contested judgement to violate the judgements of jurisdiction. The second case is overturning the contested judgement for a reason rather other? than violating the rules of jurisdiction. The third case is overturning of the judgement for the second time. In the first case, the Supreme Administrative Court would refer the case to the relevant court after adjudicating the issue of jurisdiction as per article (58) (Law of Pleadings before the Board of Grievances, 2014). In the second case, the Supreme Administrative Court should refer the case to the court that rendered the judgement for re-adjudication in the department rather than the one that issued the judgement for the first time as per the decision of the Supreme Administrative Court (58) (Law of Pleadings before the Board of Grievances, 2014). In the third case, the case that the court overturned the judgement issued for the second time, and the subject of the case is valid for adjudication, the court must rule on the subject as per Article (58) (Law of Pleadings before the Board of Grievances, 2014).

Conclusions

The disciplinary case is considered as a type of administrative lawsuit in which the administrative judiciary uses its disciplinary authority, examines its merits and procedures, and terminates the case by a final binding judicial ruling. In fact, it deals with examining the employee's violation and the validity of the existence of the accusation against him, and the description of this violation as a disciplinary violation. Court may impose a penalty on the employee who committed the violation, or to acquit him in the event that he has not already been convicted as the offender. In the case of the conviction of the public official clerk, this employee has the right to object to the verdict against him, as the judge who issued the verdict is not safe from error, he is a human being, and the hearts of the litigants are not spared from grudges and hatred. This is a natural feeling for the convict and the law should have been worked on to secure the interests of the litigants in the disciplinary case to approve or challenge the judgement rendered in this case. The Saudi law has specified the methods of appeal or objection to the judgements exclusively (ways of objecting to the verdicts issued to them with a view to reconsideration of its judgements) or so-called a review-appeal. Our research finds that the sun of justice is not absent at all and that the judgement against anyone may have an appeal to his interest. The objection to the judgement may be corrected if a judge skipped in his ruling. Finally, anyone who has an interest in challenging the judgement may be given the opportunity, if such appeal is in his or her personal interest.

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