

The Rights of the Resigned Employee

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Abstract

The employee's resignation has multiple effects, including the interruption of the functional relationship between the employee and the management, and the effect does not stop to this extent, but the resignation entails rights for the resigning employee, and among these rights is the employee's right to the pension and accumulated vacation salaries in addition to his right to re-appointment, and because of the importance of that The subject, our research came in two sections, the first of which is to discuss the concept of the resigned employee, and the second the effects of the resignation, and then a conclusion that includes the most important results and recommendations that we have reached.

Keywords: employee, resignation, effects of resignation.

Introduction

The public job is of great importance because of its role in running the public facility regularly and steadily. Once the employee assumes the public office, he has rights and duties, and these rights vary into material and moral rights. The employee has rights and obligations, otherwise he will be subject to legal accountability. It is worth noting that the termination of the functional relationship between the employee and the job for any reason, including the resignation, does not mean the end of the rights or duties that the job entails. The employee has rights, as it does not mean that the resigning employee, once the resignation is completed, remains without rights.

The research importance

The importance of the resigning employee's rights is evident from the lack of studies that dealt with this topic, as there are many studies that clarify the employee's rights and duties or the obligations that result from him, but we did not find a study centered on the rights of the resigned employee. Clarify the rights that are one of the effects of the resignation.

The Difficulty of Research

The difficulty of the research is evident through the lack of studies that dealt with it, in addition to the fact that the available studies dealt with the subject from a simple aspect that did not go into depth and clarify the rights of the resigned employee, in addition to the lack of judicial decisions in this aspect.

The Research scope

The scope of the research includes an important category of employees, they are the resigned employees and the laws or legislation related to them, which clarify the consequences of the resignation, especially rights.

The Research problem

The research problem is determined in first: What are the rights of the resigned employee? Second: What are its types, is it material or moral? Third: Who is the competent authority before which one can appeal regarding the rights of the resigned? Fourth: Are the laws in force sufficient for the resigning person to be able to obtain his rights?

Research Methodology

The approach followed in the research is the comparative analytical method, through the analysis of legislative texts and comparison with the Egyptian law, with reference in some aspects to the French law, in order to identify the shortcomings and thus can be addressed.

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The first topic

the concept of the resigned employee

The definition of the resigning employee requires that we define the meaning of the public job in addition to defining the legal nature of the employee's relationship with the administration and defining the meaning of the resignation and distinguishing it from what is suspected, and therefore it is possible to show the similarities and differences and shed light on their types. By defining the public employee and his relationship with the administration, while we clarify in the second requirement the definition of resignation and distinguish it from others, as follows:

The first requirement: the definition of the public employee and his relationship to the administration

There is a difference between legislation and jurisprudence regarding the definition of the public employee and his relationship with the administration.

The first section: Defining the public employee

The job in language (what is estimated for him every day of livelihood, food, fodder or drink, and the combination of jobs and employment, and he employs something on himself and employs him in an obligatory manner) ().

With regard to the definition of legislation for the public employee, we find that the positions of the legislation vary from one country to another regarding the definition of the public employee, or the development of elements through which the meaning of the public employee can be clarified.

The legislator defined it as “every person who has been entrusted with a job in the government in return for a salary that he receives from the general budget or a private budget and who is subject to the provisions of the retirement law” ().

The legislator also defined it as “every person entrusted with a permanent position within him in the state’s employees” ().

The legislator also defined it in Civil Service Law No. (24) of 1960 ().

The legislator also pointed out and provided a definition for the public employee in the State and Public Sector Employees Discipline Law No. (14) of 1991, as amended in Article (1/Second) (), while the legislators in France and Egypt did not refer to the definition of the public employee, but rather turned to clarifying the people who apply to them .

The capacity of the employees, unlike the Iraqi legislator, who took a different path to the legislator in France and Egypt (), in France we did not find a specific definition of the public employee, but rather referred to the persons to whom the articles of those laws apply as Paragraph (1) of the French Employment Law No. 2294 which was issued in October 19, 1946 (applies to persons appointed to a permanent position and occupy a degree of staff in the central departments of the state or in one of its external departments or in national institutions) (), ie, the legislator in France did not set a specific and fixed definition of the employee At the heart of the law, it referred to the persons to whom the status of an employee applies), as well as the case for the Egyptian legislator, which went in the same direction as the French legislator, by identifying the employees to whom the provisions contained in the relevant laws and instructions apply ().

As for the judiciary, the French State Council decided that the employee (every person who is entrusted with a permanent position in the owners and is in the service of a public utility) (), also that the judiciary in Egypt referred to the definition of the public employee, as the Egyptian Court of Cassation defined the public employee in its ruling issued on 14 /4/1976) A public official is anyone who is entrusted with one of the public functions of the state within the scope of the job of one of the three authorities, whether he is a government employee or unemployed with or without salary, but it is originally stipulated that it be in the affairs of the state and his competence is transferred to him by proxy or by appointment According to the requirement of one of the constitutional or legislative texts, or for those appointed to government jobs affiliated with one of the ministries, authorities or public institutions, even if they are those with salaries, he must be restricted to the ranks of the public employee or whoever acts on his behalf within the scope of the state budget () .

As for jurisprudence, as it defines public officials (all those who are appointed by the public authority under the name of employees, employees, workers or assistant workers occupying a position in the permanent employees of a public utility run by the state or other public administrations), and it also defined (every person who participates in the management of a public utility managed with direct independence from the state and is permanently placed within it within the scope of an organized administrative employee ()).

It is clear from the foregoing that the Iraqi legislator explicitly referred to the definition of the public employee in the core of the laws, unlike the legislator in France and Egypt, as he left the matter to jurisprudence and the judiciary without specifying a definition of the public employee.

The second section: the employee's relationship with management

A jurisprudential dispute has arisen regarding the nature of the relationship between the public employee and the administration. There is a trend that the nature of the relationship that links the employee with the administration is that it is a special relationship according to the rule (the contract is the law of contractors), and another trend has emerged that tends to adapt the relationship of the employee to the administration as an organizational relationship or Regulations, and that the employee is in an organizational or regulatory center that sets specific rights and duties that a person is obliged to fulfill, as soon as he joins the public office, and thus two theories emerged, the first being called (the contractual or contractual theory) while the second theory is called (the organizational theory) ().

And that the dispute between jurisprudence and the judiciary was long-standing in the past, as two trends appeared, the first considered it a contractual relationship, and the second considered it an organizational relationship, and the trend that prevailed previously in France is that the relationship between the employee and the administration is a contractual link that does not differ from its similarity in private law, and this theory is due to civil law. This theory is based on the mutual wills between the two parties and clarifies the duties of each party, meaning that the contract that links the employee and the administration is a contract with an administrative character. As a result of the emergence of the basic principles for the functioning of public utilities (), it is worth mentioning that the contractual or contractual theory has met with many criticisms, whether from the formal or substantive elements of the contract, as both elements do not exist. Between them, and such negotiations do not appear in practice when the employee is appointed, as the appointment produces its effect immediately after the decision is issued without the need for the employee to accept. The law of the contractors cannot be amended without the acceptance of the two parties, which results in depriving the public authority of monitoring the provisions of the job by amendment or cancellation and in accordance with the public interest because the basic rule in the management of the public facility is to give precedence to the public interest over the private ().

These criticisms show the inability of the creed theory to be applied in reality, so both jurisprudence and the judiciary () proceeded to develop another theory to determine this connection that this relationship is due to legal texts, whether contained in laws or instructions, which set the terms and conditions and the employee is subject to those provisions, including It includes rights and duties, as the employee is in an organizational position because the job center is essentially present and pre-existing in its inception for the employee's presence, and thus the management has the right to amend the rules that regulate work in the public facility. It is worth mentioning that the organizational theory was adopted by many countries, as the French legislator adopted it in the employees' laws of 1946 and 1959, and this theory found wide acceptance in the French State Council, which ruled out that the relationship is a contractual relationship, as well as that the legislator In Egypt, in the laws of public jobs that started from 1951 to 1978, it was adopted, in addition to Iraq, it adopted that theory ().

Meaning that the trend in France and Egypt tended to adopt the organizational theory, as well as in Iraq, there was no clear text indicating the nature of the relationship between the employee and the administration, except that jurisprudence and the judiciary in Iraq tended to adopt the organizational theory ().

The second requirement

Defining resignation and distinguishing it from others

Determining the meaning of resignation requires that we clarify what is meant by resignation in addition to indicating the types of resignation. Defining resignation and its types, and secondly distinguishing it from what is suspected of it as follows:

First section : Definition of resignation and its types

Resignation is considered a manifestation of the termination of service in the public office and is defined linguistically (whoever said something and some of them resigned, asked to be said and it is said that his work resigned, he asked to be relieved of it, and I resigned, he asked to dismiss him).

Resignation is also defined as the employee's disclosure of his desire to leave the service permanently, either through a request that the employee submits or takes a specific course considered by law as a request to resign The employee either at his request or for taking a specific position that the law considers as a request for resignation, so the resignation is not considered something forbidden for the employee to do, as it is considered a right, but the exercise of that right should not conflict with considerations of the public interest ().

Resignation is one of the reasons for the termination of the functional association.

It is worth noting that the resignation is not complete without the administration's acceptance, since considerations of the functioning of public utilities are more important than the employee's own desire to leave the job ().

With regard to the reasons for resignation, there are several reasons that lead the employee to resign, some of which are due to objective reasons related to the work and the reasons may be personal related to the employee himself. Because the goal of the employee's stay is to perform services and complete the work, it is not logical to force the employee to perform the services against his will ().

What should be noted is that the resignation may be explicit or it may be judgmental. With regard to the explicit resignation, it means that it is a type of resignation and is done through a written request in which the employee indicates his desire to leave the job permanently ().

This type of resignation the Iraqi legislator explicitly referred to, as it stipulated that (the employee may resign from his job by a written request to be submitted to his competent reference,) the reference must decide on the resignation within a period not exceeding thirty days and the employee shall be considered dismissed at its end unless the acceptance order is issued before That is, if the employee submits his resignation and sets a date for acceptance, it may be accepted from the date of that date or before it ()), and from the text of the article it is clear to us that the legislator specified the mechanism for submitting the resignation, which is that it be written and submitted to the competent authority, and the competent authority, i.e. the legislator obliged it to decide on the resignation Within a period of (30) days, because if the legislator did not specify the period, this would lead to the employee remaining at the mercy of the competent authority on this one hand, or that the employee performs actions that harm the public interest because the authority delays in deciding the resignation, so we believe that the legislator is better when he specified duration.

It is the same period referred to by the Egyptian legislator in the Egyptian Civil Workers Law (), and the second type is the judgmental resignation, that is, considering the employee resigned even if he did not submit an explicit request for that (), and this is what the Iraqi legislator indicated in Article (37) of the amended Civil Service Law () The Egyptian legislator also referred to the statutory resignation ().

It is worth noting that jurisprudence tends to classify resignation into multiple types, classifying it from the point of view of style to explicit and judgmental, and in terms of the number of resignations to individual and collective, and the latter is characterized by a greater danger to the regular functioning of public utilities more than the individual resignation, but in reality the resignation was individual or Collective, it is at the same time either explicit or judgmental ().

Second section : Distinguishing the resignation from others

We should distinguish resignation from situations or similar situations such as strikes or disciplinary penalties, so we will clarify each of them in order to shed light on the difference between them and resignation. As for the strike (), there are many different definitions of it as a result of the difference in the side or aspect from which the strike is viewed or To highlight a specific element or a number of important elements for the existence of the strike. In the public sector, a strike is defined as the refraining of employees or workers from their work in order to put pressure on the management in order to improve work conditions.

In the private sector, workers are known to refrain from doing the work that they are committed to under the labor contracts that Connect them with employers ().

That is, the strike is a temporary suspension of work on the part of the employee while holding on to the job at the same time, but in the resignation, the employee leaves work permanently and there is no connection between him and the job. There is a collective goal that the strikers strive to achieve, but in the resignation there is no such imposition, even if it is found, it is difficult to prove, because the resignation may be for exceptional reasons or for personal reasons such as the employee finding another job for example, as well as there is a difference between strike and resignation, the strike is always It is done collectively, while resignation is often done individually and may take place collectively, which is very rare ().

From the foregoing, we can say that resignation differs from the strike in the way it is exercised as well as in the effect it has. The effect of the resignation is leaving the job, while the strike does not result in leaving the job except for a specific period and not always.

As for disciplinary penalties, there are also similarities and differences between those penalties and resignation.

With regard to disciplinary penalties, they are those penalties that are imposed on the perpetrators of disciplinary offenses from among the employees, and those penalties may be of a financial nature or lead to the termination of the functional association.) .

The most disciplinary penalties that may be similar to resignation are dismissal and dismissal, so we should clarify each of them. The penalty of dismissal stipulated by the Iraqi legislator in Article (8 / eighth) of the Law on Discipline of State and Public Sector Employees No. (14) of 1991 amended ().

The penalty of dismissal is one of the administrative penalties that are severe in terms of impact because it leads to the final termination of the functional relationship. The dismissed employee cannot be re-appointed in the state departments and the public sector, and the penalty must be written, reasoned, and issued by the competent authority (), the effect on The penalty of dismissal is that the dismissed employee cannot be re-appointed in the state departments and the public sector, and the effect of the resignation is the employee's reappointment.

As for the penalty of dismissal, which was stipulated in Article (8/Seventh) in the amended State and Public Sector Employees Discipline Law No. (14) of 1991 ().

The penalty of dismissal is in contrast to the penalty of dismissal because it does not lead to the termination of the functional association except for the term of dismissal specified in Resolution (), meaning that the dismissal of the employee steps down for a specified period, unlike the dismissal, he is finally dismissed, and also that the dismissal differs from the resignation. It expires for a specified period.

The second topic

the consequences of the resignation

Resignation has multiple effects, and among these effects are the rights of the resigning employee, whether those rights are material, such as his right to a pension and accumulated vacation salaries, or moral rights, such as his right to re-appointment. In the salaries of vacations and re-appointment in the second requirement, as follows:

The first requirement: the material rights of the resigning employee

The employee's resignation entails material rights represented in his right to the pension. We must clarify the resigning employee's right to the pension, as follows:

The first section : Defining retirement

To begin with, and before going into the definition of the retirement salary, we must clarify the meaning of salary, and it means an amount that the employee can obtain on a monthly basis in exchange for the work he does for the service of the administration (), and we can know the salary as an amount of money determined by laws or regulations that the employee receives in return for his job duties.

As for the pension, it is defined as a sum of money obtained monthly or periodically from the employee whose service has ended. The state or the competent authority, after the end of the service, must pay monthly installments in addition to the age he reached upon the end of his service, as the worker or employee is entitled to This salary is for the duration of his life, and in the event of his death, the heirs are entitled to (), and the pension can be defined as the salary obtained by the employee whose relationship with the job ended after serving in it for a specific period of time prescribed by law in order to be able to live a decent life after he reaches the age He is of old age, and a certain period of time has passed from his service, as the state allows him to apply for retirement if he reaches it ().

As for the legislation, the Iraqi legislator defined the retirement salary in the Unified Retirement Law No. (9) of 2014 amended in an explicit text, as it stipulates that (the pension is the monthly salary that the retiree is entitled to, the job

salary is the salary that the employee receives during the retirement service without allowances) (), from The text is clear that the legislator indicated that the pensioner's salary is obtained on a monthly basis.

Most of the laws in the countries of the world tend to specify a specific age for the employee to retire if he reaches it and leaves the service, and in this matter the public interest is achieved by replacing those with older age groups with young people. In their old age, because people with old age get weak and frail in their body and mind, and what should be noted is that the laws differ among themselves in determining the retirement age (), the Egyptian legislator referred to this matter ().

As for the Iraqi legislator, the Unified Retirement Law referred to a mandatory referral to retirement, meaning that the state refers the employee in an obligatory manner and stipulated that (the employee is referred to retirement in one of the following two cases: First: Upon completing (60) sixty years of age, which is the legal age for retirement regardless of the length of his service. Second: If the official medical committee decides that he is not fit for service (), as the Iraqi legislator referred to a referral for retirement in Article (12) of the Retirement Law No. (9) of 2014 ().

It is clear that the Iraqi legislator explicitly referred to the mandatory referral of retirement, as well as the case of a permissibility according to specific conditions in the relevant law.

The second section : The resigning employee's right to a pension

Some may think that the resignation, once it is completed and approved, does not have any effect, but the legislation explicitly clarifies this matter and indicates that the resigning person has a pension, as the legislator stipulates that (it does not prevent the employee's dismissal, dismissal, leaving service, resignation or Expulsion from the job, termination of the contract, or dismissal of his services from his entitlement to pension rights, and he is entitled to 75% of the minimum pension salary. In all cases, the retirement salary shall not be paid for the period preceding the date of completion of the said age (().

It is worth noting that the legislator indicated before the above-mentioned amendment that the pension salary shall not be disbursed except upon completion of (50) fifty years of age and the employee has a pension service of not less than (20) years (). It is clear that the Iraqi legislator explicitly indicated in Unified Retirement Law No. (26) of 2019 indicates that the employee's resignation is not considered an obstacle to pension rights. On the contrary, it clearly indicated that in the event of resignation, the employee deserves his pension rights, as the legislator indicated that the employee deserves 75% of the minimum pension salary, and also referred to the conditions In order for the pension salary and these conditions to be disbursed, he must have completed (45) years of age, and the pension service should be no less than (15) years.

We find that the direction of the legislator after the last amendment of 2019 when he reduced the age to (45) years of age, as well as reduced the retirement service (15) years is a correct direction and took into account the financial aspect of the employee, from our point of view that the resigned employee who is at the age of (45) When he is old, his chances of working are few, so the legislator's tendency to set a pension for him is a trend that carries with it many human features.

The second requirement

the right of the resigning employee to vacation pay and re-appointment

Among the effects of the resignation is the employee's right to vacation pay and his right to re-appointment, and from this we will clarify the employee's right to vacation pay in the first branch, and his right to be re-appointed in the second branch as follows:

The first section : The resigning employee's right to vacation pay

Granting the employee leave is a right for him and for his benefit. The aim of this leave is to protect the employee's health level and to renew his activity in addition to maintaining his continued productivity in an efficient and superior manner. However, this right of the employee does not mean that the management cannot refuse the leave, as the

management has to refuse it. Or reduce its duration, or may work to delay granting him that leave to another time or cancel it, and the reason for this is that the public interest is superior to the private interest ().

Leave is one of the basic rights in the employee's professional life, and he cannot be deprived of it in any way, but the administration can organize that right in order to maintain the proper functioning of the public facility regularly and steadily. The leaves that the employee is entitled to vary, including (sick leave, maternity leave, "study leave" and others) (), and after we have clarified the leave as one of the employee's rights, the competent authorities have the right to regulate that right so that the private interest does not prevail over the public.

From the foregoing, we should clarify the resigning employee's right to leave, as it comes to mind: How does the resigning employee have the right to leave? However, the Egyptian legislation clarified this matter in Article (71) of Law No. (81) of 2016, as it stipulated that (the employee shall be entitled upon the end of his service to a consideration for the balance of his regular leave that occurred before the provisions of this law came into force and did not exhaust it before the end of his service and according to the material consideration On the basis of the basic wage in addition to the special bonuses that he was receiving until the date of enforcement of this law (().

And because it is one of the reasons for the worker's service termination (resignation) in accordance with Article (69) of Law No. (81) of 2016, it means that the resigned worker deserves the leave salary that he has not exhausted.

As for the Iraqi legislator, he dealt with this matter in the Civil Service Law and stipulated in it that (the resigning employee, with the approval of his department, is granted accrued vacation salaries, which do not exceed a maximum of (180) days, and no service for retirement purposes is counted beyond that) (), and the legislator mentioned in the compelling reasons (In order not to deprive the employee who resigned with the approval of his department, the accumulated leave salaries for his job service from taking into consideration the differentiation between the resigning employee with the approval of his department and the employee referred to retirement at his request and with the approval of his department legislated this law). Law No. 55 of 2008 stated that the employee can obtain the salaries of the accumulated vacations, but he made the matter in the hands of the competent department, and stipulated the condition that it does not exceed (180) days and what exceeds that does not count as service for retirement purposes, and the direction of This legislator is correct in that it has specified no more than (180) days so as not to overburden the state on the one hand and to give the employee the right on the other hand.

The second section : The resigning employee's right to re-appointment

Appointment in public jobs is the first step in which the employee begins his career, as the appointment process goes through successive stages, its various provisions and procedures should be followed (), and that the resignation of the employee, who is legally issued by him, results in the employee's termination of service, and that what was prohibited before and during the job from Doing another job as a result of combining jobs becomes permissible for him (), and what should be noted is that the resigning employee may apply to obtain a new job, and the reason for this is because the resignation is the result of his desire to end the organizational link that binds him to the administration ().

Appointment means that a natural person occupies a vacant position in a public utility as a result of an administrative decision issued by the administration. Appointment is the occupancy of a vacant job by a natural person who was not previously appointed, and re-appointment is the occupancy of a job by an employee whose relationship with the public administration has ended for some reason, and re-appointment is a resumption of the functional link between the employee and the public administration, while the appointment is the establishment of a new legal center and the employee upon his appointment is subject to a period Experience () In the case of re-appointment, it is not required to be put on trial unless the re-appointment was not originally proven (), from the above. Resignation .

Conclusion

At the conclusion of our research on the issue of the rights of the resigned employee, we reached a number of results and suggestions that can be summarized as follows:

4) One of the effects of the resignation is not only the termination of the job link, but also the material and moral rights of the resigning employee as a right to the pension for a period and conditions set by the Iraqi legislator in the Unified Retirement Law No. (26) of 2019, as well as his right to the salaries of accumulated vacations, in addition to his right to return Appointment unlike a dismissed employee who has no right to re-appointment.

13. Ghassan Mahmoud Muhammad Abu Odeh, The Legal System for Ending the Service of a Public Employee According to the Provisions of the Palestinian Civil Service Law, Master's Thesis, Faculty of Law, Al-Azhar University, Gaza, 2015, p. 12.
14. Khaled Hammad Muhammad Al-Anazi, The Legal System for the Promotion of Public Employees, Master's Thesis, Faculty of Law, Middle East University, 2012, p. 36.
15. Belmzioud Nabila, The Legal Relationship between the Employee and the Administration in the Light of the Basic Law of Public Service, Master's Thesis, Faculty of Law and Political Science, Abdelhamid bin Badis University Mostaganem, 2018, p. 55.
16. Professor Al-Tamawi found (The employee's association with the administration is far from the contractual ties of private law. The contractual association under private law is governed by a basic principle, which is the principle of contract, the law of contractors, the basic rule controlling the functioning of public utilities, because the administration under it will not be able to touch the employee's position or modify it except With the consent of the employee himself because he is the other party to the contract)) and the Egyptian Administrative Court also issued a ruling on 01/30/1955 as evidence to deny the contractual relationship between the employee and the government because it is closely related to the public interest requires the exclusion of this contractual relationship due to what is based on that That the job is the subject of exploitation or bargaining, which leads to a serious prejudice to the public interest) Quoted from Muhammad Al-Ahsan, a previous source, p. 43.
17. Mubarak Badah Muhammad Al-Baddah, Termination of the Public Employee's Service Due to Incompetence, Master's Thesis, Faculty of Law, Middle East University, 2011, pg. 30.
18. Mubarak Badah Mohammed Al-Baddah, the previous source, p. 32.
19. Dr. Maher Saleh Allawi, a previous source, p. 14.
20. Mustafa Abdullah Muhammad Tawfiq Rosan, Resignation as one of the reasons for the termination of the service of the public employee in the civil service system in Jordan No. 89 of 2013 and its amendments, published research, 2016, pg. 97.
21. Saeed Farori Ghafel, Job Strike, PhD Thesis, College of Law, Al-Nahrain University, 2009, p. 26.
22. Prof. Uday Talfah Muhammad Al-Douri, The Criminal Effects of the Employee's Resignation, a research published in the Journal of Anbar University for Legal and Political Sciences, Volume Nine, Issue Two, 2019, p. 297.
23. Dr. Muhammad Ali Jawad, Principles of Administrative Law, Al-Sanhoury Library, Beirut, 2010, p. 112.
24. Saeed Furori Ghafel, a previous source, p. 27.
25. Saeed Furori Ghafeel, previous source, p. 31.
26. Article (35) of the amended Civil Service Law No. (24) of 1960.
27. Article (97) of the Egyptian State Civil Workers Law No. 47 of 1978, which is repealed.
28. Dr. Muhammad Ali Jawad, previous source, p. 111.
29. (The employee notified of the transfer shall join his job within a period not exceeding five days, except for the usual travel days, unless the transfer order stipulates a period longer than that. If he does not join without a legitimate excuse within a maximum period of ten days from the date of the end of his leave, he shall be considered resigned. (The employee who discontinues his job shall be considered resigned if the period of his absence exceeds ten days and he did not show his legitimate excuse justifying this interruption).
30. Article (98) of the Egyptian State Civil Workers Law No. (47) for the year 1987, which is repealed.
31. Prof. Uday Talfah Muhammad Al-Douri, previous source, p. 41.
32. (It is the name of the source of the plural strike, strikes, and strikes in custom, to stop doing something, to turn away from something before turning to it) Quoted from the dictionary of meanings available on the following website
33. <https://www.almaany.com/ar/dict/ar-en/%D8%A5%D8%B6%D8%B1%D8%A7%D8%A8/> Last visit 10/12/2021.
34. en/%D8%A5%D8%B6%D8%B1%D8%A7%D8%A8/ Last visit 10/12/2021.
35. Ali Muhammad Jabali, The Right of Employees to Strike in Jordanian Law, Master Thesis, Faculty of Law, Middle East University, 2014, p. 14.
36. Prof. Dr. Muhammad Salim, Prof. Dr. Amin Nawzad Ahmed Yassin, The Legal System of the Public Employee Strike in Iraq, research published in the Journal of the College of Law for Legal and Political Sciences, p. 122.

37. Mishaal Hamad Al-Ajmi, Disciplinary Guarantees for the Public Employee, Master Thesis, Faculty of Law, Middle East University, 2011, p. 61.
38. (The employee shall be permanently removed from the job and may not be re-employed in the state departments and the public sector by a reasoned decision of the Minister in one of the following cases: He committed it in an official capacity c) If he is punished with dismissal and then reappointed, and he commits an act that requires dismissal again).
39. Maysoon Ali Abdul-Wahhab, Muhammad Abdul-Kazim Awfi, Administrative Punishment for the Public Employee in Iraqi Law, published research, University of Baghdad, Department of Legal Affairs, p. 14.
40. (The dismissal and the employee is removed from the job for a period specified in the dismissal decision, including the reasons that necessitated the imposition of the penalty).
41. Maysoon Ali Abdul-Wahhab, Muhammad Abdul-Kazim Awfi, previous source, pg. 16.
42. Hamidi Lotfi, Legal Guarantees for Salary, Master's Thesis, Faculty of Law and Political Sciences, Abdel Hamid Bin Badis University, Mostaganem, 2019, p. 21.
43. Ghassan Mahmoud Muhammad Abu Odeh, The Legal System for Ending the Service of a Public Employee According to the Provisions of the Palestinian Civil Service Law, Master's Thesis, Faculty of Law, Al-Azhar University, 2015, p.83.
44. Mubarak Badah Muhammad Al-Baddah, a previous source, p. 35.
45. Article (1/15) of the amended Unified Retirement Law No. (9) of 2014
46. Dr. Maged Ragheb Al-Helou, Administrative Law, University Press, Alexandria, 1998, p. 37.
47. Article (95) in the Egyptian State Civil Workers Law No. 47 of 1978, which is repealed, as it stipulates that (the worker's service ends upon reaching the age of sixty, taking into account the provisions of Law No. 79 of 1975 promulgating the Social Insurance Law and the laws amending it..) as stipulated in Article (70) of Law No. (81) of 2016 promulgating the Civil Service Law (for an employee who is over the age of fifty to request an early retirement pension, unless disciplinary measures have been taken against him.....).
48. Article (10) of the Unified Retirement Law No. (26) of 2019.
49. (First: The employee may request to be referred to retirement if he has completed (50) fifty years of his life or has had a service pension of no less than (25) twenty-five years.).
50. Article (13) of the Unified Retirement Law No. (26) of 2019.
51. Article (13) of the Retirement Law No. (9) of 2014 amended.
52. Dr. Rasha Abdul Razzaq Jassim Al-Shammari, Modern Principles of Public Function between Islamic Sharia and Positive Law, PhD thesis, College of Law, Al-Nahrain University, 2008, p. 91.
53. Abdul Aziz Saeed Mani' Al-Anzi, The Legal System for the End of Public Employee Service, Master's Thesis, Faculty of Law, Middle East University, 2012, p. 33.
54. Also, Article (65) of the Egyptian Civil Workers Law No. (47) of 1978, which is repealed, stipulates that (...if the worker's service ends before his balance of regular leaves is exhausted, he shall be entitled to this balance his basic wage in addition to the bonuses he was receiving at the end of his service, and that not to exceed four months, and these amounts are not subject to any taxes or fees).
55. Article (49) of the Civil Service Law No. (24) of 1960, as amended by Law No. (55) of 2008.
56. Jacqueline Tahsin Omariya, Appointment to the Public Job, Master's Thesis, College of Graduate Studies, An-Najah National University, 2014, p. 7.
57. Mahdi Bakhda, The Legal System of Resignation, an article published in the Academic Journal for Social and Human Studies, Vol. 11, No. 2, 2009, pg. 47.
58. Ghassan Mahmoud Muhammad Abu Odeh, a previous source, p. 47.
59. Article (14) of the amended Civil Service Law No. (24) of 1960 states that (the employee, upon his first appointment, is under probation for a period of one year in actual service, and an order must be issued to confirm him in his grade after its completion if his competence is confirmed, otherwise his probation period will be extended for another six months) Likewise, the Egyptian legislator stipulated in Article 15 of Law No. 81 of 2016 that (the appointed person is first placed under probation for a period of six months from the date of his receipt of work, during which the extent of his suitability for work is determined...) as well as in the repealed Egyptian civil employees law. No. (47) for the year 1978, as Article 22 of it stipulates that (the first-time appointees are put on probation for a period of six months from the date of their assignment to work.....).

60. Prof. Dr. Khaled Rashid, The Legal System for Re-employment of the Retired and Resigned in Iraqi Law, Research published in the Journal of Anbar University for Legal and Political Sciences, Eleventh Issue, without a year, p. 11.

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