

Law of Procedures before the Board of Grievances

Part One

General Provisions

Article 1

Courts of the Board of Grievances shall apply provisions of Sharia to cases brought before them, as stated in the Quran and Sunnah as well as laws not conflicting therewith. Court proceedings shall comply with the provisions of this Law.

Article 2

Venue jurisdiction shall be vested in the court with jurisdiction over the defendant's domicile; branch office if the case relates to said branch; or employee's place of work in a disciplinary action.

Article 3

Notification of dates and procedures provided for in this Law may be made by means of registered mail against an acknowledgment of receipt.

Article 4

The notice shall contain the information provided for in the Law of Civil Procedures. The Administrative Judicial Council may require additional information and documents.

Part Two

Case Filing and Recording

Article 5

1. An administrative case may be initiated by means of a statement of claim filed by the plaintiff or his representative with the competent court. Said statement of claim shall contain the information provided for in the Law of Civil Procedures, subject to the provisions of paragraph 2 of this Article, accompanied by as many copies as per the number of defendants. The Administrative Judicial Council may, if necessary, require additional information and documents to accompany the statement of claim, pursuant to a decision published in the Official Gazette.
2. In the cases provided for in Article 13(a and b) of the Law of the Board of Grievances, a statement of claim shall contain date of decision notification, knowledge thereof, or publication thereof in the Official Gazette, as the case may be, as well as the date and outcome of grievance.

Article 6

1. The court shall record the statement of claim if it satisfies the requirements set forth in Article 5 of this Law. If the court decides not to record the statement of claim due to non-satisfaction of

said requirements, the applicant shall satisfy the same within thirty days from the date of notification thereof; otherwise, the application shall be deemed null and void. A case recorded after satisfying the requirements shall be deemed to be duly recorded from the date of filing the application. The date of application shall be recorded in all events.

The court shall, in the presence of the person filing the statement of claim, record the date of the session scheduled for consideration of the statement of claim. Statements of claim shall be referred to circuits in accordance with rules issued by the Chairman of the Administrative Judicial Council.

2. In addition to the defendant, both the Ministry of Finance and the General Auditing Bureau shall be notified of the date set for case consideration.

Where a case relates to civil service affairs, the Ministry of Civil Service shall be notified of the same at least thirty days prior to the date of the hearing.

The Ministry of Finance, the General Auditing Bureau and the Ministry of Civil Service, as the case may be, may provide the administrative court with their views or request participation in the proceedings, within adequate time prior to the hearing date.

Article 7

A disciplinary action shall be filed by submitting the statement of claim and all investigation documents to the competent court. The statement of claim shall contain the employee's name, capacity and place of work as well as the violation attributed to him, place of occurrence, evidence and legal provisions to be applied.

Article 8

1. Prior to filing cases provided for in Article 13(a) of the Law of the Board of Grievances with the administrative court, a grievance shall be submitted to the Ministry of Civil Service or the military agency to which the relevant employee belongs within ten years from the date on which the claim rights arise, unless the plaintiff acknowledges said rights or the court is presented with a legitimate excuse for not filing the case. The Ministry of Civil Service or the relevant military agency shall decide the grievance within sixty days from the date of its submission.
2. If a grievance is rejected by the Ministry of Civil Service or the relevant military agency, or if the period specified in the previous paragraph lapses without a decision being taken regarding the grievance, a case may be filed with the administrative court within sixty days from the date of knowledge of the rejection decision; the lapse of a sixty-day period without a decision made regarding the grievance; or within the remainder of the ten-year period provided for in paragraph 1 of this Article, whichever is longer. A grievance rejection decision issued by the Ministry of Civil Service or the relevant military agency shall be reasoned.
3. Where a decision is issued by the Ministry of Civil Service or the relevant military agency in favor of the plaintiff and the administrative authority fails to enforce it within sixty days from the date of notification, a case may be filed with the administrative court within sixty days following said period or within the remainder of the ten-year period provided for in paragraph 1 of this Article, whichever is longer.
4. In matters not provided for in the law, prior to filing a case not pertaining to civil service affairs as provided for in Article 13(b) of the Law of the Board of Grievances, with the administrative court, a grievance shall be filed with the agency issuing the decision within sixty days from the

date of knowledge of such decision. Knowledge shall be established by notification of the concerned parties or by publication in the Official Gazette if such notification is not feasible.

The agency issuing the decision shall decide on the grievance within sixty days from the date of filing it. If the grievance is rejected, the rejection decision shall be reasoned. Upon the lapse of sixty days without a decision being made, the grievance shall be deemed rejected.

Prior to filing a case relating to civil service affairs, a grievance shall be filed with the Ministry of Civil Service, and not the administrative authority, within sixty days from the date of knowledge of said decision.

The Ministry of Civil Service shall decide on the grievance within sixty days from the filing date, and if the Ministry issues a decision rejecting the grievance or the set period lapses without a decision being made, a case may be filed with the administrative court within sixty days from the date of knowledge of the rejection decision or upon the lapse of said sixty-day period without a decision being made. The decision rejecting the grievance issued by the Ministry of Civil Service shall be reasoned.

If the Ministry of Civil Service issues a decision in favor of the aggrieved and the administrative authority fails to enforce said decision within sixty days from the date of notification thereof, a case may be filed with the administrative court within sixty days following said period.

5. Notwithstanding the provisions of the previous paragraph, the court may, within the statutory grievance period, uphold an annulment case in summary cases where the petition to stay the enforcement of the administrative decision sought to be annulled satisfies the requirement for filing a grievance with the agency issuing said decision. The court shall expeditiously consider the motion to stay enforcement of said decision and consider the subject-matter of the case upon the lapse of the statutory grievance period or if the agency issuing the decision rejects the grievance prior to the lapse of said period.
6. In matters not provided for in the law, the cases provided for in Article 13(c and d) of the Law of the Board of Grievances may not be heard after the lapse of ten years from the date on which the claim arises, unless the defendant acknowledges the claim or the plaintiff presents an excuse acceptable to the competent court.

Article 9

Without prejudice to the provisions of Article 8(5) of this Law, filing a case shall not result in a stay of enforcement of the decision sought to be annulled. However, the court may, upon request, order a stay of enforcement of said decision if it believes that said enforcement would result in irreversible consequences.

Part Three

Case Consideration and Determination

Article 10

Case proceedings and arguments shall be in writing. The circuit may, however, hear oral arguments and record the same in the session minutes at its discretion.

Article 11

In consideration of cases, the following may be undertaken, pursuant to a decision by the Administrative Judicial Council:

1. The circuit may assign a judge to prepare the case for arguments in accordance with the following:
 - a. Upon completion of preparations, the judge shall prepare a report on the case stating the facts and matters raised, after which a session shall be scheduled for consideration of the case.
 - b. The judge may require the litigants to submit supplemental briefs and documents, summon concerned parties for questioning on facts requiring verification, allow and permit the intervention of any eligible litigants and other actions deemed necessary for preparation of the case.
2. Exchange of briefs between litigants through a competent staff member of the court.

Article 12

Subject to the provisions of Article 11 of this Law, circuit sessions shall only be valid if attended by all circuit judges, and the prosecution in disciplinary actions. If the judicial panel is incomplete, the Chairman of the Administrative Judicial Council may assign a judge, from among the judges, to complete the panel for a period not exceeding sixty days, and may delegate the Chief Judge for such purpose.

Article 13

The chairman shall be in charge of the management and order of the session and may, for this purpose, take any of the following actions:

1. The deletion of profanity or violations of public order from documents submitted by litigants.
2. Remove from the session any person disrupting the orderly conduct thereof. If the offender fails to comply, the chairman may sentence him to immediate imprisonment of twenty four hours or a fine not exceeding one thousand riyals, or both penalties. The chairman may, prior to the end of the session, reverse said decision. His decision shall be final.
3. Order the recording of an offense committed during a session and refer the same to the competent agency and may, if necessary, order the arrest of the offender.

Article 14

A litigant may obtain copies of case files and documents unless the chairman of the session determines otherwise. No case file or document may be admissible unless litigants are privy to the same.

Article 15

1. If the plaintiff fails to attend the first session, the court may decide the case or dismiss it. If sixty days lapse and the plaintiff does not petition for proceeding with the dismissed case, or fails to attend the session after proceeding, said case shall be deemed null and void.

If the plaintiff petitions for proceeding with the case thereafter, the court shall, on its own motion, rule the case to be null and void.

2. If the defendant fails to appear, the court shall adjourn the hearing to a subsequent session and notify the defendant thereof. If the defendant fails to appear again, the court shall decide the case and the judgment shall be deemed judgment in presence.
3. The petition to proceed with the case shall be filed in accordance with established procedures, and shall contain the details of the dismissed case and the circuit which considered it.

Article 16

If the plaintiff or defendant appears in any session before the competent court, or the defendant presents a brief of defense, the litigation shall be deemed in presence even if either party fails to appear thereafter. The plaintiff may not make any new claims in the session not attended by the defendant, nor may the plaintiff alter, add to or reduce initial claims. The defendant may not seek a decision against a plaintiff in his absence.

Article 17

In a disciplinary action, an employee may personally attend a hearing or appoint an attorney. The court may require said employee to appear in person for questioning and he may present his defense in writing or orally. If neither the employee nor his attorney attends despite being notified, the court may proceed with the case; in which case, its judgment shall be deemed a judgment in presence.

Article 18

The secretary of the circuit shall write the minutes of the hearing under the supervision of the chairman of the hearing, and shall state the names of attending judges, the time and place of the hearing, attending litigants and all actions taken. The minutes shall be signed by circuit judges, secretary and litigants.

Article 19

If, during arguments, the court decides that further investigation is required, the court shall initiate said investigation on its own motion or assign one of its judges to conduct the investigation.

Article 20

The Administrative Judicial Council shall issue the regulations pertaining to the appointment of experts and determination of their remuneration.

Article 21

A recusal motion shall be made by means of a petition filed with the court, stating the reasons therefor. The motion shall be referred to the judge subject of the recusal who shall respond in writing within a period not exceeding five days. If the judge fails to respond within said period or agrees to the grounds for recusal and such grounds are valid, the chief judge shall issue a decision recusing said judge from the case.

In other cases, or if the judge subject of the recusal is the chief judge, the recusal motion shall be submitted to the Chairman of the Administrative Judicial Council to decide thereon. Submission of the motion shall result in stay of proceedings pending a decision thereon.

Article 22

If a judge has reasons to feel uncomfortable about considering a case, said judge may submit a request to the Chairman of the Administrative Judicial Council for recusal.

Article 23

The court shall decide on the facts stated in a disciplinary action statement of claim and may, on its own motion or upon the motion of the prosecution, return the case file to investigate facts not stated in the statement of claim or to interrogate employees other than those brought before it for trial, if so provided for in the case file.

In all cases, the case shall be returned to the court. However, if the case file is returned pursuant to a decision by the circuit on its own motion to interrogate employees who are not brought before it for trial, the case shall be referred to another circuit for consideration.

Article 24

If the court considering a disciplinary action decides that the incident provided for in the pleading or other incidents covered by the investigation constitute a crime, the court shall refer the same to the competent authority for appropriate action and shall decide the disciplinary action, unless rendering a judgment on the disciplinary action is dependent on rendering a judgment on the criminal action; in such case, consideration of the disciplinary action shall be stayed pending a decision on the other case.

Article 25

Judgments shall be issued by a majority of circuit judges and shall be attributed to the circuit. A dissenting judge shall provide his opinion and grounds thereof, and the majority shall respond thereto during deliberations. This shall be recorded in the minutes and attached to the case file and may be viewed only by the court before which the judgment is challenged.

Article 26

Draft judgments containing the fact and reasons, signed by the circuit judges, shall be kept in the case file upon pronouncement of judgment.

After pronouncement of judgment, a date shall be set for delivering a copy thereof not later than twenty four hours in summary judgments and fifteen days in other judgments.

Article 27

The judgment shall state the court rendering such judgment, its location, date of issuance, whether it relates to an administrative or disciplinary action, the circuit, its judges, name and claims of the prosecutor, names and capacities of litigants, their domiciles, appearance or absence, and names of their attorneys. The judgment shall also include an overview of the case, litigants' claims and a summary of defenses, followed by reasoning and pronouncement of judgment. The explanatory judgment shall include the particulars of the judgment.

The original judgment shall be signed by circuit judges and its secretary, and shall be kept in the case file prior to the date set for delivering a copy thereof.

Article 28

The court clerk shall sign a copy of the non-executory judgment and the same shall be stamped with the court's seal. A copy thereof may be delivered to any of the concerned parties. Said copy may also be given to others subject to the permission of the chief judge.

Article 29

The copy of the executory judgment shall contain the writ of execution and shall be signed by the court clerk and stamped with the court's seal, and may be delivered only to the party benefiting from the enforcement of judgment.

Article 30

1. The writ of execution for judgments against the administrative agency and judgments in disciplinary actions shall be as follows: "Ministers and heads of independent government agencies shall enforce this judgment and act accordingly".
2. Judgments terminating services of employees of grade fourteen or above, or equivalent, shall be enforced upon endorsement by the King.

Article 31

1. If the relevant department within the court refuses to deliver the first copy of the executory judgment, the requesting party may petition the chief judge.
2. No additional executory judgment may be delivered to any person who has previously received the same, unless the first copy is lost. A person requesting said copy may challenge the refusal in accordance with paragraph 1 of this Article; in such case, the losing party shall be notified of said petition.

Article 32

Annulment of judgments shall be binding to all parties.

Part Four

Challenging Judgments

Chapter One

General Provisions

Article 33

1. Subject to provisions of paragraph 2 of this Article, the statutory appeal period for challenging a judgment shall be thirty days from the date of receipt of a copy thereof, or the date set for receipt in the event of non-appearance. If no challenge is submitted by litigants within said period, the judgment shall be deemed final.
2. Judgments rendered in the cases provided for in Article 13(c and d) of the Law of the Board of Grievances contrary to claims made by the administrative authority or not in its favor shall be subject to mandatory review if not appealed by the representative of said agency within the specified period. The court shall, upon pronouncement of judgment, notify said representative of the same.

Article 34

A challenge filed by the losing party shall not prejudice said party.

Article 35

In matters not provided for in the law, procedures applicable to administrative courts shall apply to challenges filed with administrative appellate courts and the Supreme Administrative Court.

Chapter Two

Appeals before Administrative Appellate Courts

Article 36

An appeal shall be filed pursuant to a petition by the appellant or his attorney with the administrative court rendering the judgment, in accordance with applicable case-filing procedures. The petition shall contain the particulars and summary of the appealed judgment, grounds for appeal and the appellant's claims.

The relevant department of said court shall send the petition of appeal, along with the case file, to the competent administrative appellate court within a period not exceeding three business days from the date of completion of appeal petition procedures. The relevant department at the appellate court shall record the appeal on the day of receipt thereof and the respondent shall be notified of the petition of appeal.

Article 37

An appeal shall have the effect of returning the case to its original status prior to rendering the appealed judgment, only with respect to the appeal. The court shall consider the appeal based on new

evidence and defenses presented thereto, as well as those previously presented to the administrative court.

Article 38

1. Subject to provisions of Article 37 of this Law, appealing a court judgment terminating the litigation shall require appealing all previous judgments in the case.
2. An appeal of the judgment rendered on a provisional claim shall require appealing the judgment rendered on the original claim even if the statutory deadline has passed.

Article 39

The administrative appellate court shall, where the judgment on the original claim is annulled, return the case to the administrative court for determination of provisional claims.

Article 40

New claims shall not be granted in the appeal and the administrative appellate court shall dismiss such claims upon its own motion. Nonetheless, additional compensations arising after submission of closing claims to the administrative court may be added to the original claim.

Article 41

A person who has not been a party to the case in which the appealed judgment was rendered may not join in the appeal, unless such joinder is material to the case. No person may join in the appeal except persons requesting joinder.

Article 42

The respondent may, prior to closing arguments, file a secondary appeal supplementing the original appeal and dependent thereupon, according to applicable procedures, or a petition stating the grounds of said appeal.

Chapter Three

Motion for Reconsideration

Article 43

A motion for reconsideration of final judgments rendered by administrative courts and administrative appellate courts may be filed in cases provided for in the Law of Civil Procedures.

Article 44

A motion for reconsideration shall be filed pursuant to a petition by the petitioner or representative thereof with the court rendering the judgment subject of reconsideration, along with a summary of said judgment and grounds for filing said motion.

Chapter Four

Challenge before the Supreme Administrative Court

Article 45

A challenge shall be submitted to the Supreme Administrative Court by means of a petition filed by the appellant or representative thereof with the administrative appellate court which rendered the relevant judgment, in accordance with applicable case-filing procedures. The petition shall contain the particulars and summary of the challenged judgment, grounds for the challenge and claims of the appellant.

Only grounds for challenge stated in the petition may be invoked. However, grounds pertaining to public order may be invoked at any time and the court shall consider the same on its own motion.

If the appellant presents a ground for challenge relating to a previous judgment rendered in the same case prior to the challenged judgment, said challenge shall cover said previous judgment.

Article 46

The following shall accompany the challenge petition:

1. A copy of the document establishing the capacity of the appellant's attorney.
2. Copies of the challenge petition equal to the number of respondents.
3. The copy of the challenged judgment given to the appellant and the copy of the judgment of the administrative court if the challenged judgment refers thereto in the reasoning.
4. Documents supporting the challenge. If said documents are submitted in another challenge, a proof of the same shall be furnished and the court may take any action to access such documents.

Article 47

The competent department of the administrative appellate court shall send the challenge to the Supreme Administrative Court no later than the day following the date on which the challenge petition proceeding is completed. The Supreme Administrative Court may add the case file pertaining to the challenged judgment.

Article 48

The competent department of the Supreme Administrative Court shall record the challenge petition on the day of its receipt and the respondent shall be notified thereof.

Article 49

Filing a challenge before the Supreme Administrative Court shall not stay execution of judgment. Nonetheless, the court may order stay of execution if so petitioned and if it determines that execution

of said judgment would result in irreversible consequences. The court shall set a hearing date to consider such petition and the parties shall be notified thereof. If the court orders a stay of execution, it shall take that into consideration when setting a date for the challenge hearing. If the appeal judgment provides for termination of the services of an employee, challenge to said judgment before the Supreme Court shall result in a stay of execution pending determination of the original case.

Article 50

1. If the respondent wishes to file a defense, he shall, within thirty days from notification thereof, file with the court a brief stating his defense together with any other documents he may deem relevant.
2. If the respondent files a brief of defense as provided for in paragraph 1 of this Article, the appellant may, within thirty days following the end of said period, file with the court a brief providing his response together with any other documents he may deem relevant. In case of multiple respondents, each respondent may, within the period specified in this paragraph, file a counter brief against the appellant's challenge.
3. If the appellant exercises his right to respond, the respondent may file a response within thirty additional days.

Article 51

The respondent may, prior to the expiration of the period provided for in Article 50(1) of this Law, request the joinder of a party to the case in which the challenged judgment is rendered and he is not a respondent. Such joinder shall be effected by serving said party of the challenge petition, and the joined party may, within thirty days from the date of service, file with the court a brief of his defense, together with any other documents he may deem relevant. In such case, the response provided for in Article 50(2 and 3) of this Law shall take effect only upon the lapse of the thirty-day period provided for in this Article.

Article 52

Each party to the case in which the challenged judgment was rendered may, if not notified of the challenge petition, intervene in the challenge to petition its denial. Such intervention shall be pursuant to a brief filed before the court prior to the lapse of the period provided for in Article 50(1) of this Law, together with supporting documents.

Article 53

No brief or document may be admissible after the lapse of the dates set for filing the same. The court shall draft minutes recording the filing date, name and capacity of the filing party and shall keep the same in the challenge file.

Article 54

Upon the lapse of the dates stipulated in the preceding articles of this Chapter, the court shall send the challenge petition to the relevant circuit, and a judge from said circuit shall review the challenge

and draft a response containing a summary of the grounds for challenge, response thereto and disputed issues, without expressing an opinion thereon, and shall submit said report to the circuit. If the circuit decides that the challenge is invalid due to the lapse of the challenge date, or for being based on grounds other than those set forth in Article 11 of the Law of the Board of Grievances or grounds inconsistent with the principles established by the Supreme Administrative Court, the circuit shall dismiss the appeal pursuant to a decision recorded in the hearing minutes together with a brief providing reasoning of the decision. If the circuit decides that the challenge is valid, it shall set a hearing date for consideration of such challenge. In such case, the circuit may exclude from such challenge any inadmissible reasons before the Supreme Administrative Court and only consider the valid reasons, together with a brief reference to the reasons for such exclusion.

Article 55

Parties to the challenge who filed their briefs shall be notified of the date set for consideration of the challenge at least fifteen days prior to said date.

Article 56

The court shall decide the challenge without a hearing after the judge who reviewed the challenge reads the report he drafted in accordance with Article 54 of this Law.

Article 57

1. If the relevant circuit deems oral arguments necessary, it may hear arguments from the parties. No grounds may be presented orally in the hearing other than those already stated by the parties in the documents, unless said grounds relate to public order.
2. The circuit may, as an exception, allow the parties to the challenge to submit supplemental memoranda if, upon examination of the case, it finds that it is necessary for rendering a decision. In such case, consideration of the challenge shall be adjourned to another hearing. The circuit shall set the dates for filing such memoranda.

Article 58

If the Supreme Administrative Court overturns the challenged judgment on grounds of lack of jurisdiction, it shall determine the jurisdiction issue and shall, if necessary, refer the case to the competent court.

If the Supreme Administrative Court overturns the judgment for other reasons, it shall refer the case to the court rendering the challenged judgment to decide it by different judges. In such case, the court to which the case is referred shall observe the principle applied to the judgment of the Supreme Administrative Court.

Nonetheless, if the court overturns the challenged judgment for a second time and the subject matter is valid for decision, the court shall rule on such subject matter.

Article 59

A judgment of the Supreme Administrative Court may not be challenged, unless the challenge for reconsideration is filed by a person affected by such judgment and has not joined nor has intervened in the case.

Part Five

Final Provisions

Article 60

In all matters not provided for in this Law, the provisions of the Law of Civil Procedures shall apply to cases filed before the courts of the Board of Grievances, to the extent consistent with the nature of administrative disputes.

Article 61

The Administrative Judicial Council shall issue the implementing regulations of this Law.

Article 62

This Law shall repeal the Rules of Procedures and Hearings before the Board of Grievances issued pursuant to Council of Ministers Resolution No. (190) dated 16/11/1409H and any conflicting provisions.

Article 63

This Law shall enter into force as of the date of its publication in the Official Gazette.

