Compromise Claims

(Comparitive study)

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Abstract

This study seeks to search to what extent the compromise claim is important and effective as a legal means through which a public sector employee claims his financial dues, such as salaries, allowances and pensions without detriment to right of the administration of using that claim .

To have a comprehensive understanding of compromise claims, the researcher followed the Analytical Method of the Palestinian legal texts, then she compared them to what came in the Egyptian legislation. The study was divided into two chapters, the first of which is entitled "Forms of Compromise Claims" where the researcher talks about the maturity claim through which a public sector employee or his heirs could claim the administration of due financial dues. However, the second chapter includes the recovery (getting back) claim through which the employer could get back its right form the employee .

In the second chapter, the researcher explained procedures of how to start the compromise claim. The first field of research includes procedures of compromise claim represented in explaining the Palestinian High Justice Court is the principal side to look the compromise claim and of making sure of correctness of accepting it. However, the second field of research included the judgment on compromise claims through the discussion of powers of the administrative judge on compromise claim and distinguishing it from the cancellation or revocation claim. Then, talking about the allegation of the judgment on compromise claim and how to carry it out .

The study concluded that the administrative judicature in Palestine looks the cancellation claim and compromise claims, taking into consideration that it looks the compromise claims that only belong to pensions rights, ignoring its principal specialty in looking compromise claims that belong to financial rights of employee while carrying out his job.