

Republic of Iraq
Federal Supreme Court
Ref. 296 / federal /2023



Kurdish text

The Federal Supreme Court (F S C) has been convened on 27/12/2023 headed by Judge Jassim Mohammed Abood and membership of Judges Sameer Abbas Mohammed, Ghaleb Amir Shunain, Khalef Ahmed Rajab, Hayder Ali Noori, Hayder Jaber Abid, Ayoob Abbas Salih, Abdul Rahman Suleiman Ali, and Dyar Mohammed Ali who are authorized in the name of the people to judge and they made the following decision:

The Plaintiff: Shawqi Ali Shawqi Ali Al-Saffar/ veterinarian.

The Defendant: Minister of Finance/ being in this capacity.

The Claim

The plaintiff claimed that Law No. (7) of 2021 (the second amendment to the Veterinary Medical Graduation Law No. 136 of 1980) is one of the effective and applicable laws through its publication in the Official Gazette, No. (4621) on 3/15/2021, which is considered one of the important laws; Because of its connection to human health and livestock, the Ministry of Finance committed a legal violation by not acting following it and ignoring it despite repeated communications from the Ministry of Agriculture, which emphasized the severe shortage of veterinary personnel, which caused the closure of many veterinary clinics and hospitals, and other communications from Members of the Council of Representatives, the Ministry of Agriculture, the Legal Department of the Council of Ministers, the Prime Minister's Office, the Parliamentary Finance Committee, and the Federal Public Service Council, however, the law was circumvented through the answers of the

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Ministry of Finance, as it always refers to appointing holders of higher and first degrees, as explained in their letter No. (19363) dated 4/19/2023, which includes the creation of (619) job grades to appoint holders of higher and first degrees, noting that appointing holders of higher and first degrees The higher certificates came in accordance with the Law on the Employment of Holders of Higher Certificates No. (59) of 2017 and the Law on the Employment of Seniors No. (67) of 2017 in all specialties, and the Veterinary Apprenticeship Law has nothing to do with that, so the plaintiff asked this court to rule to oblige the Ministry of Finance to allocate a job grade and a financial allocation. In accordance with Law No. (7) of 2021. The case was registered with this court under the number (296/Federal/2023) and the legal fee was paid for it, and the defendant was notified of its petition and documents in accordance with Article (21/First and Second) of the internal regulations of the Federal Supreme Court No. (1) of 2022, and due to the expiration of the period specified for the response, an appointment was appointed A date was set for hearing the case without pleading in accordance with Article (21/Third) thereof, and the court was formed and the case began to be heard. The court examined the plaintiff's requests and substantiations, and after completing its scrutinies, the end of the minutes has been made clear and the court issued the following ruling:

The decision:

Upon scrutiny and deliberation by the Federal Supreme Court, it was found that the plaintiff claimed that the defendant, in addition to his job, refrained from working following the provisions of Law No. (7) of 2021, the Second Amendment Law to the Veterinary Medical Graduation Law No. (136) of 1980, despite its publication in the Iraqi

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Gazette. Issue (4621) was issued on 3/15/2021, which caused a shortage in the number of veterinary medical staff and the closure of many veterinary clinics and hospitals. Therefore, he requested that the defendant be invited to plead, which resulted in a ruling obligating him to allocate the job grade and financial allocation to the veterinary medical staff in accordance with Law No. (7) of the year 2021, and upon careful consideration by this court of the plaintiff's requests contained in his petition, it finds that it is free to respond from the jurisdiction, this is because the jurisdiction of this court was determined by Articles (52 and 93) of the Constitution of the Republic of Iraq of 2005 and Article (4) of Federal Supreme Court Law No. (30) of 2005, and the requests mentioned in the plaintiff's case were not among them. According to the above, the Federal Supreme Court decided to dismiss the lawsuit of the plaintiff, Shawqi Ali Shawqi Ali Al-Saffar, and charge him all legal fees and expenses. The decision has been issued unanimously, final, and binding according to the provisions of articles (93 and 94) of the Constitution of the Republic of Iraq for 2005 and articles (4 and 5/2nd) of the FSC's law No. (30) for 2005 which was amended by law No. (25) for 2021. The decision has been made clear on 25/Jamada Al-Akhira/1445 Hijri coinciding with 27/December/2023 AD.

Judge

Jassim Mohammed Abbood

President of the Federal Supreme Court

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