



Judicial Disputes Occurred in the Process of Reconstruction of Certain Class Employees

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ABSTRACT

This article describes the concept of certain categories of employees, labor disputes arising in the process of their reinstatement, the jurisdiction of labor disputes involving them, as well as errors and omissions in the practice of resolving labor disputes by the courts, suggestions and conclusions for their legal resolution.

Keywords:

civil servant, certain categories of employees, labor dispute, reinstatement, rehabilitation, relevance, litigation.

We are well aware that ensuring the effective functioning of the judiciary, enhancing the prestige of the judiciary, democratizing and improving the judiciary in the short term to ensure reliable protection of citizens' rights and freedoms, protecting human interests through the rule of law, full and effective implementation of all laws. Serious attention has been paid to the implementation of appropriate measures to ensure the fair functioning of the judiciary, which can fully protect the interests of citizens and solve their problems in a timely manner. In particular, according to the Decree of the President of the Republic of Uzbekistan "On measures to radically improve the structure and efficiency of the judicial system of the Republic of Uzbekistan" PF-4966 dated February 21, 2017, from June 1, 2017 the Supreme Court and the Supreme Economic Court The Supreme Court of the Republic of Uzbekistan, the only supreme body of judicial power in the field of criminal, administrative and economic proceedings, was established.

After all, the President of the Republic of Uzbekistan Sh.M.Mirziyoev said that "the main

purpose of this is to form a single judicial practice that will ensure the unconditional issuance of legal and fair decisions in the protection of the rights and interests of our citizens" [1. - B. 427-428] is not in vain.

Despite the ongoing reforms in the judiciary today, in practice there are difficulties in determining which court is responsible for disputes involving labor law actors, especially certain categories of employees. The question naturally arises, who are some categories of employees? What types of labor disputes are most common with their participation? Which court is responsible for labor disputes involving them? In practice, in what order are such disputes considered and resolved? Let's talk about it.

The term certain categories of employees is often used in labor law. It may also be argued that it is appropriate to call this group of employees a separate category of employees. For example, according to lawyer A. Jumagulov, the concept of certain categories of employees is not defined and it is not specified who can fall into this category. He also noted that it would be logical to use the term

employee category instead of the term employee category for certain categories. [2. - B. 126]

If we pay attention to the lexical meanings of the words "some" and "separate", the explanatory dictionaries of the Uzbek language show that the word "some" means independent, separate, solitary, some, some. We can see that the word "separate" is derived from the Arabic language and means to be separated, separate, independent of others, separate, independent, separate, peculiar, different from others, separate, different. [3. - P. 58,174] That is, the word "some" forms part of the whole and expresses its peculiarities without denying the whole. "Separation" means absolute originality and denies the whole. Analyzes show that it is correct to call the part of employees with specific characteristics as certain categories of employees.

The features of the regulation of the labor of certain categories of employees by the legislators of many states are enshrined in the labor codes. In particular, Section 3 of the Labor Code of the Republic of Tajikistan from Central Asian countries "Features of labor regulation of certain categories of employees" [4. - S. 359] Chapter 12 of the Labor Code of the Republic of Kazakhstan "Features of labor regulation of certain categories of employees", [5. - S. 66-71] Section 8 of the Labor Code of the Kyrgyz Republic is entitled "Features of labor regulation of certain categories of employees", [6] and Article 18 of the Labor Code of the Kyrgyz Republic is entitled "Features of legal regulation of labor of certain categories of employees" [7].

It is well known that there are many types of certain categories of employees, including civil servants. In recent years, the country has been implementing large-scale reforms aimed at increasing the efficiency of the civil service. As the President of the Republic of Uzbekistan said in his address to the Oliy Majlis, "today the need to effectively address the existing problems in society, to consistently pursue large-scale reforms requires the creation of a completely new system of public administration. Among other important issues in this regard, it is expedient

to consider the remuneration of civil servants and the creation of a decent social security system, as well as to increase the responsibility of officials. Today, life itself requires us to form an effective, efficient and effective public service system, to develop an effective system to open the way for innovative, enterprising and loyal people." [8]

Civil service reform in the Republic of Uzbekistan

Improving the legal framework organizes public administration

is one of the most pressing issues. The state in our country

the state in various normative legal acts regulating the service

the rules governing the service relationship

found [9. B. B. 228-229] In particular, in order to improve the civil service, the Decree of the President of the Republic of Uzbekistan No. PF-5843 of October 3, 2019 "On measures to radically improve the personnel policy and the civil service system in the Republic of Uzbekistan" was adopted. This Decree stipulates that military service in the Armed Forces of the Republic of Uzbekistan and service in law enforcement agencies are special services of the state.

In particular, employees of the Prosecutor's Office, the Ministry of Internal Affairs, the Customs Service, the State Security Service, the National Guard of the Republic of Uzbekistan are included in certain categories of employees, and disputes involving them are considered by the courts. Among the disputes considered in court practice, it is important to fully ensure the rights of stakeholders in resolving labor disputes.

Simply put, labor disputes are disputes that arise between an employer and an employee.

There is a court case on reinstatement of employees as a result of dismissal from the Armed Forces reserve, restoration of service, pension, housing and other personal and property rights of rehabilitated servicemen, compensation for property and moral damage caused to them. formed on the basis of current laws, by-laws, as well as the letter of the Supreme Court of the Republic of Uzbekistan

dated February 4, 2019 No. 11-9-10 sent to all courts.

Currently, various practices have been formed regarding the labor relations of ex-servicemen, employees of the Ministry of Internal Affairs, the Customs Committee, the National Guard and other government agencies, as well as disputes over decisions of government agencies, including the governor. This, in turn, leads to citizens wandering in the courts, undermining their confidence in justice. In order to put an end to the above and form a single case law, the Supreme Court of the Republic of Uzbekistan on February 2, 2019 held a seminar on "Relevance of court cases" with the participation of judges of all military, administrative and civil cases via videoconferencing.

- Disputes on labor relations of employees of the Ministry of Internal Affairs, the Customs Committee, the National Guard and other government agencies of the Republic of Uzbekistan to the civil courts;

- disputes between a serviceman or a former serviceman in connection with labor and other legal relations to the military courts;

- Relevant explanations are given that disputes related to the decisions of any state bodies, including the governor, are subject to administrative courts.

Also, in the letter of the Supreme Court No. 11-9-10 of February 4, 2019, the courts decided to consider the case in strict adherence to the above instructions in future proceedings, unreasonably refuse to accept the claim (application) on the issue of jurisdiction or terminate the case. judges who allowed cases were warned of disciplinary action. As a result of the above measures, we can witness a sharp reduction in errors and omissions in judicial practice and a positive result in this regard. As a proof of our opinion, it is possible to cite some examples from the cases considered and resolved in the Mirabad inter-district court of Tashkent. As a result of the above measures, we can witness a sharp reduction in errors and omissions in judicial practice and a positive result in this regard. As a proof of our opinion, it is possible to cite some examples from the

cases considered and resolved in the Mirabad inter-district court of Tashkent.

By the ruling of the court of appellate instance dated 13.08.2021, the court's decision was annulled and a new decision was issued to satisfy the claim. The appellate court considered the case in accordance with the requirements of the articles of the Code of Criminal Procedure on the application of the statute of limitations in the proceedings in this category of cases.

In another similar case, the decision of the plaintiff K. on 29.06.2020 in the civil case on the claim of the defendant against the Main Department of Internal Affairs of the city of Tashkent and the Ministry of Internal Affairs of the Republic of Uzbekistan on illegality, reinstatement and recovery of wages The claim was dismissed by a decision of the plaintiff.

The decision of the court of first instance in this civil case was upheld by the decision of the appellate court dated 18.08.2020.

Of the Judicial Board for Civil Cases of the Supreme Court

By the ruling of 20.05.2021, the decisions of the courts of both instances were upheld.

Of the Judicial Board for Civil Cases of the Supreme Court

According to the ruling of 24.08.2021, the above-mentioned rulings of the Judicial Board of the Supreme Court and the Court of Appeal of the Tashkent City Court were annulled and the case was sent to the court of the same instance for reconsideration.

In accordance with the ruling of the Judicial Board on Civil Cases of the Tashkent City Court dated 16.11.2021, the decision of the court of first instance was annulled and a new decision was made to satisfy the claim in the case.

A closer look at the jurisprudence shows that in fact, inter-district civil courts are appealing for reinstatement of former police officers, as well as for the restoration of their violated rights on the basis of rehabilitation, ie the right to work. Inter-district courts, on the other hand, consider such claims. However, in our view, such a practice is not correct.

Because, in accordance with the requirements of Article 276 of the Labor Code of the Republic of Uzbekistan, disputes are considered in the manner prescribed by law.

In particular, Article 34.5 of the Law of the Republic of Uzbekistan "On Internal Affairs" stipulates that law enforcement officers have the right to appeal against decisions and actions (inaction) against high-ranking officials, prosecutors or courts in the prescribed manner. [10]

In conclusion, the consideration of labor disputes by servicemen (employees) of the Prosecutor's Office, the Ministry of Internal Affairs, the State Security Service, the State Security Service of the President of the Republic of Uzbekistan and the National Guard of the Republic of Uzbekistan does not apply to civil courts.

The fact that this type of dispute does not apply to the jurisdiction of civil courts is further substantiated by the fact that in accordance with Article 313 of the Criminal Procedure Code of the Republic of Uzbekistan, Compensation for property damage, elimination of the consequences of moral damage in accordance with the rules established by this chapter and the Prosecutor General of the Republic of Uzbekistan, Minister of Defense, Minister of Internal Affairs, The Chairman of the State Security Service, the Chairman of the State Security Service of the President of the Republic of Uzbekistan and the Commander of the National Guard of the Republic of Uzbekistan. [11]

According to the law, a police officer must apply to the Minister of Internal Affairs as a subordinate on the issue of labor relations, and within a specified period, the Minister will consider his appeal. If the appeal of the acquitted person is not satisfied by the Minister, then the person shall submit to the administrative court the response of the head to the administrative court in accordance with Article 4 of the Code of Administrative Procedure of the Republic of Uzbekistan on the actions of the Minister found to be illegal and will have to file an application to impose an obligation on him to satisfy the appeal.

It is difficult to draw a conclusion as to which court the disputes referred to in the above example belong to. In our opinion, it is necessary to improve the mechanism of transferring disputes related to reinstatement and rehabilitation of former law enforcement and other law enforcement officers to administrative courts in order to avoid various difficulties in jurisdiction today.

References:

1. Sh.M.Mirziyoev We will resolutely continue our path of national development and raise it to a new level. Volume 1 Tashkent. NMIU "Uzbekistan", 2017. - B. 427-428.
2. A.Jumagulov "Peculiarities of legal regulation of labor of the head of the enterprise". Labor Code of the Republic of Uzbekistan: Proceedings of the Republican Scientific-Practical Conference "Achievements and Prospects for Improvement". -T .: TDYuU, 2016. -B.126.
3. Annotated dictionary of the Uzbek language. -T .: -State Scientific Publishing House of the National Encyclopedia of Uzbekistan, 2006. 58, pages 74. Трудовой кодекс Республики Таджикистан. Душанбе: Сифат-Офсет, 2018. 359-с.
4. Трудовой кодекс Республики Казахстан. Алматы: ЮРИСТ, 2019. -С. 66-71.
5. <http://ud.gov.kg/index.php/ru/news/2-uncategorised/108-trudovoj-kodeks-kyrgy-zskoj-respubliki>.
6. <https://lex.uz/acts/142859>.
7. <http://uza.uz/oz/documents/ozbekiston-respublikasi-prezidenti-shavkat-mirziyeevning-oliy-22-12-2017>.
8. Sh.A.Ismailov Features of legal regulation of labor of some categories of employees. Dissertation for the degree of Doctor of Laws. T.: 2020. - B. 228-229
9. <https://lex.uz/acts/3027843>
10. <https://lex.uz/acts/111460>