

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 5221 of 2016 (O&M)
Date of decision: 31.05.2017.**

Abdus Shakoor

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

Present: Mr. Jagmohan Singh Bhatti, Advocate, for the petitioner.

Mr. P.P.S. Thethi, Additional Advocate General, Punjab,
for respondent No. 1.

Mr. Manoj Pundir, Advocate, for respondents No. 2 and 3.

None for respondent No. 5.

S.S. SARON, J.

The petitioner - Abdus Shakoor by way of present petition under Articles 226/227 of the Constitution of India seeks quashing of the appointments of respondents No. 4 to 11 as Members of the Punjab Wakf Board ('Wakf Board' - for short) stating the same to be illegal and against Para No. 13.21 of the Ninth Report of the Joint Parliamentary Committee on Wakf. A further prayer has been made for restraining the respondents to stay the proposed agenda meeting for 04.03.2016 (Annexure P7). A further prayer has been made for directing the respondents to act in accordance with Punjab Government letter dated 11.12.2007 (Annexure P1); besides, for directing an inquiry in the matter relating to appointment of retired

persons and irregularities committed and taking appropriate action against the erring officials, who, it is alleged, have caused loss to the properties of the Wakf Board and depriving the genuine beneficiaries for which the Wakf Board is meant for. A still further prayer has been made for initiating action against the Members of the Wakf Board for acting against the directions issued under the Wakf Act. Thereafter, a prayer has been made for directing respondents No. 1 and 2 to correct the composition of the Wakf Board and to act in accordance with the Punjab Government letter dated 11.12.2007 (Annexure P1). It is still further prayed that the notification (Annexure P6) be quashed stating the same to be not legal and not in public interest due to the acts of respondents No. 4 to 11 and continuance of irregularities and violation of directions of the Punjab Government as contained in letter dated 11.12.2007 (Annexure P1). Lastly, it is prayed for issuing a writ in the nature of quo warranto declaring and holding the posts held by respondents No. 4 to 11 as Members of the Wakf Board as illegal, unconstitutional; besides, contrary to the spirit of the Wakf Act.

Mr. P.P.S. Thethi, Additional Advocate General, Punjab, has submitted that the primary relief of the petitioner is for quashing the appointments of respondents No. 4 to 11 as Members of the Wakf Board. It is submitted that he has received instructions from the Officer on Special Duty, Department of Home and Justice, Government of Punjab, to state that respondents No. 4 to 11 have since resigned as Members of the Wakf Board. Therefore, according to learned counsel for the State, the present writ petition has been rendered infructuous.

Mr. Jagmohan Singh Bhatti, Advocate, appearing for the petitioner, however, states that other issues regarding the irregularities committed and appointment of retired persons as Members of the Wakf Board are liable to be gone into.

In this regard, it may be noticed that insofar as the irregularities that have been alleged to be committed, there is no material on record as on the date of filing the petition, i.e. 14.03.2016. In case the petitioner has any material in regard to the irregularities said to be committed in the functioning of the Board, he may, if so advised, adopt his alternative remedies.

As regards retired persons being appointed as Members of the Wakf Board, learned counsel for the petitioner has referred to Regulation 24 of the Punjab Wakf Regulations, 1966 ('Regulations' - for short). Regulation 24 of the Regulations reads as under:-

“24. Officers and other employees of the Board.

(1) The Board shall have the assistance of such number of officers and other employees as may be necessary for the efficient performance of its functions under this Act, details thereof shall be determined by the Board in consultation with the State Government.

(2) The appointment of officers and other employees, their term of office and conditions of service shall be such as may be provided by regulations.”

A perusal of the above Regulation, which is referred to and

vehemently pressed by the learned counsel for the petitioner, shows that there is no prohibition for re-employment of the employees of the Wakf Board. Therefore, the said prayer based on Regulation 24 is misconceived.

In the circumstances, the present writ petition having been rendered infructuous is disposed of as such.

(S.S. SARON)
JUDGE

(P.B. BAJANTHRI)
JUDGE

31.05.2017
Ramesh

Note: 1. Whether reasoned/speaking : Yes
2. Whether reportable : No