

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

LPA No.1424 of 2016

Date of Decision : 16.11.2017

Janab Noorul Hassan

....Appellant

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present : Mr.Dinesh Kumar, Advocate
for the appellant.

MAHESH GROVER, J. (Oral)

In this appeal against the judgment of the learned Single Judge dated 22.04.2016 we notice from the facts that the primary challenge in the writ proceedings was to the order declining continuation of the appellant as Imam of a Masjid beyond the age of 65 years. The learned Single Judge has considered the matter in the light of Punjab Wakf Rules, 1964 and Punjab Wakf Regulations, 1966 formulated under the Wakf Act, 1954. A perusal of the impugned judgment does not reveal any infirmity as the learned Single Judge has also noticed that even if the best case of the appellant is taken he would have been entitled to continue till the age of 65 years after giving extensions. Learned counsel for the appellant then contends that if he is construed to be an employee, he is admitted to pensionary benefits, but such point was never raised either in pleadings or during the course of arguments before the writ court. Therefore, we would not permit the appellant to raise an issue which was never raised

before the writ court.

Confronted with this situation, learned counsel for the appellant placed reliance on a decision in LPA-1453-2016 where this court has passed the following order on the issue raised before us :-

“[4] Faced with this, learned counsel for the appellant submits that if the Imams have been included in the category of employees of the Board, in that event they should be held entitled to the payment of some respectable amounts towards retiral benefits, which should be sufficient for their sustenance in the old age. He points out that the Administrator, Punjab Wakf Board vide order dated 29.07.1997 had fixed a very nominal amount of few thousand rupees admissible to an Imam on his retirement. We have pondered over the submission. Though there appears to be some merit in the appellant's contention that the amounts admissible to an Imam on his retirement are wholly insufficient for his sustainability, nevertheless, it being a policy matter which falls within the domain of the Wakf Board, suffice it would be to dispose of this appeal with a direction to the Punjab Wakf Board to consider the desirability of suitably revision of the amounts admissible to an Imam after retirement. It shall be appreciated if an appropriate decision is taken within a period of six months from the date of receiving a certified copy of this order.”

Since the court has already expressed its desirability on the

issue, as extracted above, there is no need to pass any order.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

16.11.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No