

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2617 of 2016

In
Civil Writ Jurisdiction Case No.19799 of 2011

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Md. Nayeemuddin son of Late Nasiruddin, resident of Village Jamaluddin Chak, P.S. Khagaul, District-Patna

... .. Petitioner/s

Versus

1. The Bihar State Sunni Wakf Board, 34, Haj Bhawan, Ali Imam Path (Harding Road), Patna-800001, through its Chief Executive Officer.
2. Md. Irshadullah, Chairperson, The Bihar State Sunni Wakf Board, 34, Haj Bhawan, Ali Imam Path, (Harding Road), Patna-800001.
3. Naushad Ahmad, the Chief Executive Officer, the Bihar State Sunni Wakf Board, 34, Haj Bhawan, Ali Imam Path (Harding Road), Patna-800001.
4. Md. Shami, Accountant, the Bihar State Shunni Wakf Board, 34, Haj Bhawan, Ali Imam Path (Harding Road), Patna-800001.
5. The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sadat Ali Khan, Advocate
For the Opposite Party/s : Mr. Rashid Izhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 21-06-2023 The petitioner has a grievance that this Court's order dated 17.12.2014 passed in C.W.J.C. No. 19799 of 2011 has not been complied with and, accordingly, the present contempt application has been filed. Operative portion of the said order reads as under:-

“Accordingly, I dispose of the writ application with a direction to the Chief Executive Officer, the Bihar State Sunni Wakf Board, Patna to ensure payment of all admitted post retiral dues of the petitioner within a period of three months from the date of receipt/ production of a copy of this



order. It will be open for the Board to approach the State Government for release of necessary fund and if the Board does so, the State Government shall take a decision as regards release of fund forthwith. If the State Government is of the opinion that the State is not liable to release such fund, the concerned department shall be required to record reasons in the order refusing to release the fund in favour of the Board. In no circumstance, however, the petitioner can be denied his legal dues against post retiral benefits."

2. Learned counsel appearing on behalf of the petitioner has argued that the petitioner has not been paid his monthly pension, though other post-retiral dues have been paid to him. He has submitted that the petitioner is entitled for monthly pension as would be evident from a subsequent order passed by a Coordinate Bench of this Court dated 15.12.2022 in C.W.J.C. No. 3605 of 2020, paragraph 13 of which reads as under:-

"In view of the aforesaid facts, the matter is remitted back to the Sunni Waqf Board to consider the claim of the petitioners for grant of pension/family pension, as has been granted to other similarly situated persons."

3. Learned counsel appearing on behalf of the Sunni Wakf Board has, however, submitted that pension is not payable to the petitioner as the regulations framed under Section 24 of the Wakf Act, 1995 do not provide for payment of monthly



pension to its employees.

4. Learned counsel for the petitioner, however, disputes the said submission advanced on behalf of the Board.

5. It is evident on the basis of what is there on record and the submissions which have been advanced on behalf of the parties that the Board has not specifically admitted that the petitioner is entitled for monthly pension. By the order of this Court dated 17.12.2014, the Board was required to pay to the petitioner all admitted post-retiral dues. If the petitioner has a grievance that he is entitled to pension which has wrongly been denied to him, he shall be at liberty to approach appropriate forum for taking a decision on that point.

6. In my view, no case is made out of deliberate disobedience of this Court's order.

7. The contempt proceeding stands dropped accordingly.

(Chakradhari Sharan Singh, J)

Sachin/Rajesh

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