

114+115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

2025:PHHC:034238-DB



LPA-1593-2024 (O&M)

Date of Decision: 11.03.2025

HARYANA WAKF BOARD AND ANOTHER ...Appellants

V/S

FATEH MOHD AND OTHERS ...Respondents

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2025:PHHC:034239-DB



LPA-1636-2024 (O&M)

HARYANA WAKF BOARD AND ANOTHER ...Appellants

V/S

JAMIL AHMED ...Respondent

115-2

2025:PHHC:034239-DB



LPA-1423-2024 (O&M)

FATEH MOHD. AND OTHERS ...Appellants

V/S

HARYANA WAKF BOARD AND OTHERS ...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Sandeep Punchi, Advocate for the appellant(s) in LPA-1593-2024 and LPA-1636-2024 and for the respondent in LPA-1423-2024.

Mr. Dinesh Kumar, Advocate for the appellant in LPA-1423-2024 and for respondent(s) in LPA-1593-2024 and LPA-1636-2024.

SANJEEV PRAKASH SHARMA, J. (Oral)

LPA-1593-2024 (O&M)

LPA-1636-2024 (O&M)

1. Both these appeals assail the judgment passed by the learned Single Judge.

2. So far as the Haryana Wakf Board is concerned, it has preferred the appeals assailing the order passed by the learned Single Judge, whereby it has directed to pay the death-cum-gratuity to its retired employees along with interest @ 6% per annum.

3. Learned counsel submits that it is a religious body and the interest ought not be imposed upon it.

4. However, we find that under the Payment of Gratuity Act, 1972 if there is a delay in payment of gratuity, interest @ 6% per annum is required to be paid. The provisions of the Act, 1972 are not under challenge.

5. In view thereto, the appeals preferred by the Haryana Wakf Board are without any merit and the same are accordingly dismissed.

LPA-1423-2024 (O&M)

6. This appeal has been preferred by the employees of the Wakf Board assailing the order passed by the learned Single Judge dated 13.03.2024, to the extent of rejecting their challenge to the impugned resolution dated 13.09.2017.

7. Learned counsel submits that the resolution dated 13.09.2017, deserves to be set aside as the same was passed on the basis of an agenda

placed additionally in a meeting which goes contrary to Regulations 7(3) and 8 of the Punjab Wakf Act, 1966.

8. We have considered the submissions.

9. The provisions of Regulation 7(3) and 8 of the Punjab Wakf Act, 1966, are quoted as under:-

“7(3) The agenda shall set forth clearly and fully the business to be transacted at the meeting and no business other than that so set forth shall be transacted except with the permission of the Chairman or with the absent of three-fourths of the members present at the meeting.

Notice of motions Section 68(2).

Notices of motions intended to be taken up at a meeting shall along with draft resolutions reach the Secretary ten days before the date of the meeting for being included in the agenda. Notices received thereafter shall be included in the agenda for the next succeeding meeting.”

10. From the perusal of the aforesaid regulations, we are of the firm view that an additional agenda can be placed in a meeting with the permission of the Chairman in terms of Regulation 7(3). However, we are in agreement with the order passed by the learned Single Judge that such cut of date as laid down in the resolution i.e. 01.04.2017, was unjustified. More so, as once the Act, 1972, has been applied to the establishment namely the Wakf Board, the gratuity is required to be released as per the notification of the Central Government, since it is an establishment under the Central Act which has come into force w.e.f 24.05.2010.

10. The order passed by the learned Single Judge applying the Act, 1972, for the purpose of grant of gratuity w.e.f. 24.05.2010, therefore, does not require to be interfered with. The appeal is accordingly dismissed.

11. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(KIRTI SINGH)
JUDGE

11.03.2025
rajesh

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