महाराष्ट्र राज्य वक्फ मंडळ

Agenda Points of the Meeting of the Maharashtra State Board of Wakfs, to be held on 30th November 2005 at Room No. 309, Majestic, M. L. A. Hostel, Colaba, Mumbai.

Dr. M. A. Aziz, M.L.C. and Chairman, Maharashtra State Board of Wakfs will be in chair.

The Agenda will be as under:-

Miscellaneous Section:-

1. To grant leave of absence if any.
2. Confirmation of minutes of meeting held on 26-8 2005.

Registration Section:-

3. Matter regarding the Dargah Hazrat Abdul Rahman Sahab (Sailani Baba) at Pimpalgaon Taluka Chikli District Buldhana.
   - A) Regarding Payment of land Acquisition amount acquired by the Collector Buldhana for Dargah Ground.
   - B) Construction of Dargah Abdul Rahman Alias Sailanai Baba in R.C.C. by the Adhoc Committee of Dargah.
   - C) Appointment of Member to Mr. Ashfaque S/o Abdul Munaf in Adhoc Committee of Dargah Sailani Baba Pimpalgaon Dist. Buldhana.

Store Section :-

4. Printing of Marriage Forms as per Model Nikahnama prepared by Muslim Personal Law Board.

Establishment Section:-

5. Appointment of Staff through out Maharashtra.
6. Appointment of Enquiry Officer in case of misappropriation of Office amount by Staff members of District Wakf Offices i.e. Parbhani, Nanded, Latur as well as legal action against them.
7. Payment of Gratuity to Kesar Bai Ex-Malan.
8. Loan Proposal for repair and renovation of House Mr. Baig Ifteqarullah Stenographer of Maharashtra State Board of Wakfs.
9. Advance Increments to Staff of Maharashtra State Board of Wakfs.

Accounts Section:-

10. Legal opinion for payment of C.P.F. Amount to Staff of Maharashtra State Board of Wakfs.

Siaynat Section:-

11. Exchange of Land Dargah Hazrat Makka Shah Wali Nanded.
12. Transfer of Shop Vazirabad Nanded.
13. Matter of Rahuri Dargah Sind Bawa, Sale permission under section 51 of the Wakf Act 1995.

Enquiry Section :-

14. Lease of Umedmal Bhikulal (H.P. Distribution) Parbhani belonging to Ashoorkhana Naale Hyder Parbhani:-

Any other matters with the permission of the Chair:-

21/XI/05

Chief Executive Officer
Ex-Officio Secretary
Maharashtra State Board of Wakfs
Aurangabad

महाराष्ट्र राज्य वक्फ मंडळ

MINUTES OF THE BOARD MEETING
HELD ON FRIDAY 30TH NOVEMBER 2005 AT ROOM NO. 309, MAJESTIC M.L.A. HOSTEL, CULABA, MUMBAI-39.

The meeting was conducted on 30-11-2005 under the chairmanship of Dr. M. A. Aziz, following members were present:-

1. Mr. Chand Pasha Inamdar
2. Mr. Hafiz Bhai Dhature
3. Mr. Haroon Adam Solkar
4. Mr. H.B. Patel

The meeting started at 2.30 P.M.

1. To grant Leave of absence if any:-

It is unanimously resolved that following members not attending the meeting from the date of their appointment:-

1) **Smt Shabana Azmi has already resigned.**
2) **Mr. Yousuf Khan Sarwar Khan Alias Dilip Kumar.**
3) **Mr. Q. Izuddin has already resigned.**

So Government may be moved to sanction their resignation and Mr. Yousuf Khan Sarwar Khan Alias Dilip Kumar has not attended meetings as contemplated in section 20 (c) of the Wakf Act 1995, therefore, he may be removed and new member be appointed in his place.

2. Confirmation of minutes of meeting held on 26-8-2005: -

Minutes of the Meeting held on 26-8-2005 with minor modifications all points were confirmed. Except some modification to Point No. 8, delete the word Madarsa & it is resolved to charge 25% contribution of the Government Grants. All old leases Rent is to be revised, draft Notice be submitted for approval to Honourable Member Harun Adam Solkar. Point No. 9 The Board accorded sanction of Managing Committee of Dargah Hazrat Shah Sokhta Miyan Aurangabad for One year. Point No. 18 Pending till next meting. Point No. 21 Seniority list may be submitted in the next meeting for according upgrading Employees after

completion of 12 years on the same post. Point No. 22 Rs. 2000/- per month may be paid to Dy. Wakf Officer Rajura. Point No. 43 Review Petition should be filed before Honourable High Court. Point No. 44 is not confirmed, Honourable Haroon Adam Solkar Member will give his report. Point No. 45 Copy of the Scheme shall be submitted to Honourable Chariman & he will take decision. Point No. 48 Removal Notice be served, send details with Court Judgement to Honourable Haroon Adam Solkar. Honourable Chairman & Chand Pasha Inamdar Member are delegated powers to decide the case.

Registration Section:-

3. Matter regarding the Dargah Hazrat Abdul Rahman Sahab (Sailani Baba) at Pimpalgaon Taluka Chikli District Buldhana.

   a. Regarding Payment of land Acquisition amount acquired by the Collector Buldhana for Dargah Ground.

As per provisions of Land Acquisition Act 1894 the trustees has submitted proposal to the Collector Buldhana for acquiring surrounding land admeasuring 3 Hectare 67 R, since present land is not sufficient. The land in question is private land of Mujawars and Farmers, acquisition is necessary in view of large number of Devotees visiting the Dargah. The trustees have passed a Resolution in this respect on 6-8-2005. The Trust has sufficient balance in Bank approximately Rs. 47,63,237/- are standing in the name of the Trust. Therefore, permission may be granted to the Trust.

It is unanimously resolved that the permission for Acquisition of land for Dargah Hazrat Abdul Rahman Alias Sailani Baba at Pimpalgaon Taluka Chikli District Buldhana is granted.

   b. Construction of Dargah Abdul Rahman Alias Sailanai Baba in R.C.C. by the Adhoc Committee of Dargah.

The Trustees has submitted an application on 19-8-2005 for repairing the Dargah in R.C.C., the proposal is that at present Dargah is constructed in Iron Steel, but it is dangerous and there is possibility of Short Circuit, to avoid that thing they want to replace fabricated still structure by R.C.C.. The Plans & Estimates are submitted, cost of work is Rs. 11,93,170/-. So permission may be granted to Dargah. The Trustees may be asked to call Tender as per procedure

prescribed in P.W.D. Manual. The permission is necessary under section 32 (b) of the Wakf Act 1995.

It is unanimously resolved that the permission for construction of Dargah Hazrat Abdul Rahman Alias Sailani Baba at Pimpalgaon Taluka Chikli District Buldhana is granted for construction in R.C.C. & by following procedure of Law.

c. Appointment of Member to Mr. Ashfaque S/o Abdul Munaf in Adhoc Committee of Dargah Sailani Baba Pimpalgaon Dist. Buldhana.

The Trustees of above Dargah has resolved in the meeting Dated 16-7-2005 to appoint Dr. Mohammed Ashafque S/o Abdul Munaf as Member, their this proposal may be accepted.

It is decided that Honourable Chairman is delegated powers under section 27 of the Wakf Act 1995to decide the matter. Honourable Chairman will take his interview.

Store Section :-

4. Printing of Marriage Forms as per Model Nikahnama prepared by Muslim Personal Law Board:-

Model Nikah Nama prepared by Muslim Personal Law Board New Delhi is submitted. Near about 50,000 Copies of the same may be allowed to print. Now at present we are charging Rs. 200/- per set to Hereditary Quazi and to Naib Quazi Rs. 275/-, which may be increased to Rs. 300/- to Hereditary Quazi and Rs. 375/- Naib Quazi for augmentation of the income of the Maharashtra State Board of Wakfs.

It is unanimously resolved that Honourable Chairman Maharashtra State Board of Wakfs will finalise the Format of Siyah Nama in shape like Pass Port. Further the rates also have been Revised from Rs. 200/- to Rs. 300/- for Hereditary Kazi and for Naib Kazi Revised from Rs. 275/- to Rs. 375/-.

Establishment Section:-

5. Appointment of Staff through out Maharashtra:-

Now at present stage the work of Maharashtra State Board of Wakfs is limited to Marathwada Region only. When I toured with Charity Commissioner in the Districts of Sangli, Satara, Solapur, Kolhapur, Nasik, Jalgaon, Dhulia, Malegaon, Raigad the main demand of the trustees is that there should be an Office in their respective Districts. District wise position of Wakfs is as follows:-

S.No.	Name of District/s	Total No. of Wakfs in the District/s	District Wakf Officer	Clerk	Peon
1.	Mumbai & B.S.D.	920	2	2	2
2.	Raigadh	319	1	1	1
3.	Sindhdurg	34			
4.	Ratnagiri	350	1	1	1
5.	Pune	837	1	1	1
6.	Sangli	357	1	1	1
7.	Solapur	389	1	1	1
8.	Satara	412	1	1	1
9.	Nasik	408	1	1	1
10.	Dhule	213	1	1	1
11.	Nandurbar	N.A.			
12.	Jalgaon	340	1	1	1
13.	Ahmednagar	423	1	1	1
14.	Amrovati	341	1	1	1
15.	Yeotmal	119			
16.	Akola	326	1	1	1
17.	Washim	26			
18.	Buldhana	283	1	1	1
19.	Nagpur	320	1	1	1
20.	Wardha	46			
21.	Chandrapur	47	1	1	1
22.	Gadhchiroli	13			
23.	Bhandara	54	1	1	1
24.	Gondia	7			
25.	Kolhapur	729	1	1	1
26.	Thane	415	1	1	1
	Total No. of Posts		**20**	**20**	**20**

So it is proposed that in the above Districts at least total 60 Staff be appointed on contract basis for a period of 11 months by calling open Advertisement in News Papers. Qualification for District Wakf Officer will be

Graduate + Urdu up to XIIth + Typing & Computer knowledge, Clerk XIIth Passed + Urdu up to XIIth + Typing & Computer knowledge, and Peon X (S.S.C.). Thus Yearly at least amount of Rs. 1,44,000/- will be required for payment of their Salary. The list may also be called from Employment Exchanges from the concerned Districts. Further after receiving applications a Committee to interview the persons be formed under the Chairmanship of Honourable Chairman & Board Members may be decided who will interview the persons. Each candidate to be asked to send an application with Rs. 300/- D.D. in favour of Maharashtra State Board of Wakfs Aurangabad nonrefundable as application fees. The Reservation as per Government will also be kept. But it is essential to have Offices at District levels. At start Salary to District Wakf Officer Rs. 5000/-, Clerk Rs. 4000/-, Peon Rs. 3000/- may be offered. For this as well as for Office of the Maharashtra State Board of Wakfs Government of Maharashtra may be requested to sanction Regular Grant-in-Aid to Maharashtra State Board of Wakfs Aurangabad at least to the tune of Rs. 2.5 Crores annually as per Minutes of the Meeting called by Honourable Chief Minister Dated 28-9-2005 communicated to this Office vide Letter No.WAKF-10/2005/CR-126/L-3 Dated 2-11-2005. Or we may raise Laon from Market as per provision under section 75 of the Wakf Act 1995.

It is unanimously resolved that as per proposal above Staff may be appointed by calling applications by giving advertisement in leading News Papers Urdu & Marathi. Criteria of Qualification is fixed as suggested above, but preference should be given for District Wakf Officer to Post Graduates, and for Clerk Graduates should be preferred and the period of contract should be 2 years & application fees for all above three categories should be Rs. 300/- in shape of D.D.

6. Appointment of Enquiry Officer in case of misappropriation of Office amount by Staff members of District Wakf Offices i.e. Parbhani, Nanded, Latur as well as legal action against them:-

The following Staff members have misappropriated the Office amount:-

a) Imadoddin Khateeb Ex-Wakf Officer Latur Rs. 1,87,300/-

b) Asifuddin District Wakf Officer Nanded Rs. 94,130/-

c) Siraj Ahmed Khan Clerk District Wakf Office PBN Rs.81437/-

d) Mohammed Nazir Dy. Wakf Officer Parbhani Rs. 2,74,448/-

Above misappropriated amount is adjusted from Gratuity of Mr. Imadoddin Ex-Wakf Officer Latur and he has to be paid Rs. 1,37,684/- after recovery of above amount. In case of Mr. Asifuddin District Wakf Officer Nanded Rs. 67934 is recovered from his salary of June 2005 to November 2005 and an amount of Rs. 26,196/- is standing balance with him. The amount of Siraj Ahmed Khan is recovered to some extent and Mohammed Nazeer, these persons may be placed under suspension and D.E. may be initiated against them for punishment so that other Staff will not act in this manner in future.

It is unanimously resolved that the above Staff who are in service should be suspended and D.E. should be started and completed within 15 days. And in case of Mr. Imadoddin Khateeb Rtd. Wakf Officer after correct calculation of his Gratuity balance amount of misappropriation should be recovered from his property.

7. Payment of Gratuity to Kesar Bai Ex-Malan:-

Smt. Kesar Bai Malan moved an application before Honourable High Court Bench at Aurangabad. Honourable High Court passed an order to give Gratuity to her with interest the amount is near about Rs. 20,000/-, this may be allowed to be paid.

It is unanimously resolved that the amount of Gratuity of Kesar Bai after correct calculations with interest is allowed for payment as per orders of Honourable High Court.

8. Loan Proposal for repair and renovation of House Mr. Baig Ifteqarullah Stenographer of Maharashtra State Board of Wakfs:-

An application has been submitted by Mr. Baig Ifteqarullah for which Rs. 1,00,000/- is required, he requested to for this interest free. Therefore, at least Rs.50,000/- may please be granted as Loan to for repairs and renovation of his house. Since he has not submitted Plans Estimates after submission matter may be decided.

It is not decided.

9. Advance Increments to Staff of Maharashtra State Board of Wakfs:-

It was decided in the Board Meeting Dated 28-5-2005 vide Resolution No. 4 to submit proposals to sanction Advance Increments to the Staff Members of the Maharashtra State Board of Wakfs who's performance is excellent. Thus in my opinion the following Staff Members may please be given Advance Increments:-

S.No.	Name of the Employee	Designation	Award of Increments	Approximate Expenditure per month
1.	Quazi Misbahuddin	Internal Auditor	Two	499/-
2.	Baig Ifteqarullah	Stenographer	Two	554/-
3.	Syed Shakir Ali	Income Tax Auditor	Two	518
4.	Syed Faiz	Dy. Wakf Officer	Two	466
5.	Syed Aqeeluddin	Imam-Cum-Superintendent Pan.	Two	370/-
6.	Shafeeque Ahmed	Jr. Clerk	Two	330/-
7.	Majed Khan	Jr. Clerk	Two	330/-

These above employees are found hard workers as well as loyal in obeying the Orders of the Officers & their performance is up to the mark of integrity. They are working extra time than the Office timing for which they are not paid any Overtime Allowance, as the jurisdiction of the Wakf Board has been increased after implementation of the Wakf Act 1995, and the work of Maharashtra State Board of Wakfs is carried on the shoulders of these limited Employees. Appreciation letters to these Employees may please be given. It is therefore, submitted to accord sanction to above proposal.

It is decided that Honourable Chairman Maharashtra State Board of Wakfs will decide as per Seniority list, which shall be submitted by the Chief Executive Officer regarding up gradation of Staff after completion of 12 years as per Government Resolution, may be accorded and above persons may be accorded Advance Increments & Appreciation Letters be given for Extra Ordinary Work to above Employees.

Accounts Section:-

10. Legal opinion for payment of C.P.F. Amount to Staff of Maharashtra State Board of Wakfs:-

In the previous meeting it was decided to obtain legal opinion in the above matter, thus the Legal Opinion has been obtained from Legal Adviser and submitted as follows:-

With reference to the above subject, I am to state that the amount of C.P.F. contribution was already deducted from the salary of Employees and share of Management was also recovered and deposited in the C.P.F. Accounts in the monthly accounts of the Board. But for want of Fund Cash Transaction the same was not withdrawn from Board's account for deposit in individual in C.P.F. Accounts of Employees, which was operated in Indian Bank Aurangabad.

The accounts of C.P.F. both Employees Contribution and Management share from June 1995 to March 2001 Rs. 4,88,484/- are already in the accounts of Wakf Board which needs no sanction from any corner. But it may be drawn if Cash is available in the Accounts of Board and be deposited in individual C.P.F. Accounts of Employees of Maharashtra State Board of Wakfs without further delay.

So far as demand of Employees for recovery of C.P.F. as per Revised Pay Scales is genuine one since their interest on the above period is already lossed. Further their arrears of IV th & V th Pay Commission is due to be paid them. Because in Government Department also as and when Revised Pay Scales were introduced their effect C.P.F. was given. Hence their this demand may please be considered as per Fundamental Rights of equal treatment for equal work in the light of **Natural Justice** i.e. their arrears be deducted from the arrears to be paid and credited to their respective Bank Accounts.

Hence this Legal Opinion is submitted for favour of information and necessary action please.

Therefore, it is suggested to consider this issue for further necessary action, as per above Legal Advise. May be credited in installments.

Matter is deferred to next meeting.

Siaynat Section:-

11. Exchange of land Survey No. 57 (Gut No. 120) situated at Asrjung Tq. District Nanded belonging to Dargah Hazrat Mecca Shah Wali Gadipura Nanded:-

In the last meeting I was directed to study the matter. The proposal is exchange of land belonging to Dargah Hazrat Makka Shah Wali Gadipura Nanded. S.No. 120 Gut No. 120 total land to be exchanged admeasuring 9 Hectare 6 R & valuation of this is Rs. 56 Lakhs. As per R. R. System the valuation of land to be exchanged is Rs. 60 Lakhs. Total area of the land which is to made in the name of the Dargah is 26 Hectare in lieu of 9 Hectare 6 R. It is my proposal that the land at Asarjung is having commercial

value. Therefore, that the Government Valuation is low and Donation of Rs. 25 Lakhs be obtained from the person who is exchanging the land and that donation be kept in Fixed Deposit in the name of the Dargah for its maintenance in future, this proposal may be accepted. Objections were called in Government Gazette Dated 26-9-2005, no objections were received.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 to decide the matter under section 51of the Wakf Act 1995.

12. Transfer of Shop Vazirabad Nanded:-

It was decided in the previous meeting to call Valuation of the above property, the District Wakf Officer Nanded has been directed to submit the Valuation of the same. On receipt of the same Honourable Chairman and Chand Pasha Inamdar may be delegated powers to decide the issue.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 of the Wakf Act 1995 to decide the matter.

13. Matter of Rahuri Dargah Sind Bawa, Sale permission under section 51 of the Wakf Act 1995:-

As per directions of the Honourable Chairman it is kept for approval. Honourable Chairman has directed to charge Rs. 22,88,000/- as price to the above land admeasuring 1 Hectare.

It is unanimously resolved that the above matter is ratified.

Enquiry Section :-

14. Lease of Umedmal Bhikulal (H.P. Distribution) Parbhani belonging to Ashoorkhana Naale Hyder Parbhani:-

M/s Umedmal Bhikulal (H.P. Distribution) is occupying land admeasuring 13248 Sq.Ft. land belonging to Ashoorkhana Naale Hyder Parbhani, originally this land was given by the then Mutwalli to Bhikulal Umedmal Banthiya. This Office has given notice under section 54 of the Wakf Act 1995 to Gendmal Bhikulal Banthiya & Others Sons of Bhikulal Umedmal Banthiya for removal of encroachment. They have replied on 9-5-2005 & 25-7-2005, that they are ready to pay the Donation of Rs. 25,000/- and annual lease amount of Rs. 7,000/- per annum with effect from 1-8-2005. The valuation of the land is obtained & enclosed herewith. Therefore, it is suggested that on consideration of valuation matter may be taken for decision of the Board. As there are

complaints. Further in this regard it is proposed the Honourable Chairman & Mr. Chand Pasha Inamdar may be allowed to finalize the issue.

It is decided that Honourable Chairman and Mr. Chand Pasha Inamdar are delegated powers under section 27 of the Wakf Act 1995 to decide the matter.

Any other matters with the permission of the Chair:-

15. Permission to sale property of Jooni Masjid Islampura, Malegaon:-

Honourable Chairman granted sanction to sale the property C.T.S.No. 307 & 1248 of Juni Masjid, Islampura, Malegaon District Nasik, Auction was conducted by the Trustees.

It is unanimously resolved that the permission under section 51 is granted to the Trustees, Sale is confirmed & Chief Executive Officer is delegated powers to issue Orders.

16. Sanction of Scheme of Banergaon Masjid Pune & Sale permission under section 51 of the Wakf Act 1995:-

It is unanimously resolved that that powers under section 27 of the Wakf Act 1995 are delegated to Honourable Chairman and Chand Pasha Inamdar to decide the case.

17. Appointment of Mr. Shaikh Abdul Jabbar R/o Thane:-

It is unanimously resolved that Mr. Shaikh Abdul Jabbar may be appointed purely on Temporary basis for a period of 11 months.

18. Retirement Age of Employees of Maharashtra State Board of Wakfs:-

It is unanimously resolved that Retirement age of Maharashtra State Board of Wakfs Employees is 58 for all categories as per M.C.S.R.

19. Scheme of Management under section 69 Wakf Act 1995:-

It is unanimously resolved Honourable Chairman is delegated powers under section 27 to decide Scheme under section 69 of the Wakf Act 1995.

20. Shopping Center at S.No. 508 & 509 Inam land of Kali Masjid Jalna& appointment of Temporary Mutwalli Mr. Latifuddin Quadri of Jalna under section 63:-

It is unanimously resolved that powers to sanction scheme & development of above lands be delegated under section 27 to Honourable Chairman & also powers to appoint Mutwalli under section 63 are delegated to Honourable Chairman & Chand Pasha Inamdar are also delegated powers to grant lease under section 56 of the Wakf Act 1995.

(M. Y. Patel)
Chief Executive Officer
Ex-Officio Secretary
Maharashtra State Board of Wakfs
Aurangabad