Minutes of the Meeting of Maharashtra State Board of Wakfs, held on 29 /01/2011. at 11.00 a.m. at Sahyadri Guest House, Malabar Hill, Mumbai

The Board meeting was convened at 11:15 am on 29th January 2011 at Sahyadri Guest House Malabar Hill Mumbai. The following Board Members and Officers were present

1) **Hon'ble Tarique Anwar**
2) **Hon'ble Adv. A. U. Pathan**
3) **Miss Shaheen Kadri**
4) **Janab Abdul Ateeque Khan, Regional Wakf Officer Mumbai.**

Point No. 1

To grant leave of absence of members

Janab Gulam Md. Vastanvi Sahab has communicated on phone his inability to attend the meeting due to personal reasons. Hence leave is granted.

Point No. 2

Confirmation of minutes of the Meeting held on 28-12-2010.

The Minutes were read and confirmed.

Point No. 3

It is observed that the C.E.O. has not attended a single Board meeting since the time he has assumed office. Further he has also failed to inform the board regarding his absence. Moreover he has not made any arrangements for conducting this meeting. However the Agenda was prepared by the Asst CEO under the guidance and direction of Hon Member Adv. Pathan and forwarded to Regional Wakf Officer. Hence the meeting could be held as per schedule. This inaction by the CEO purports to gross insubordination.

Resolution No 1/2011

The Board hereby resolves to bring to the attention of the Government the above misconduct of the CEO with an urgent request to replace Janab S.N.M.Kadri with a full fledged and experienced CEO in prior consultation of the Board

Point No. 4. Proposal for Transferring the work of Establishment Section and General Administration to Assistant Chief Executive Officer:-

Establishment Section is administered by the account Superintendent Janab Muzaffar Siddique which is over burden due to this work of both the section is being disturbed, Hence it is proposed for better results and smooth functioning of Establishment Section to be withdrawn from Janab Muzaffar Siddique and Transferred to Assistant Chief Executive Officer.

Resolution No 2/2011

The C.E.O has withdrawn the Establishment work from the Establishment Officer and allotted the same to the Accounts Superintendent. The above change in administration has been made without the consultation of the Board causing adverse effects on the smooth functioning of the office.

The board hereby resolves that action taken by CEO stands revoked with immediate effect and the work of the Establishment Section is re-allotted to Assistant Chief Executive Officer.

Point No. 5. Application of Mr. Abdul Ateeque Khan, Mohammed Jameeluddin & Syed Faiz :-

In this matter it is to submit that the willingness of Sarvashree Shaikh Zafar, Shaikh Munir, Pathan Munir Khan, Shaikh Ismail, Sk. Maqsood, Manzoor Khan, Abdul Ateeque Khan was called by this Office Letter No. 16601 Dated 31-12-2007 for promotional posts as Assistant Chief Executive Officer. Further it was also clarified that they will be given Higher Pay Scales as per proposed Staffing Pattern i.e. Rs. 6500-200-10500. Out of above persons most of them have given their willingness for the promotional posts as asked above. But it is to be noted that some of the Officers have been given orders as Regional Wakf Officers. Mr. Abdul Ateeque Khan, Mohammed Jameeluddin & Syed Faiz has submitted application for issue of their Orders as per the above referred willingness as well as their promotional Post with Scale submitted during the period of Mr. A. R. Shaikh the then Chief Executive Officer Maharashtra State Board of Wakfs, Aurangabad. Government of Maharashtra has already sanctioned Staffing Pattern. In the last meeting Dated 28-12-2010 also it was resolved that Chief Executive Officer to study the case and submit detail report in next meeting. Hence as per application matter is placed before Board for consideration and approval.

It is seen that although the CEO was directed in the last meeting of the Board to submit the proposal before the Board along with all the details of the case, he has failed to do the same.

The board hereby directs that the CEO should place this matter in any case in the next board meeting with all the necessary details for the consideration of the Board.

Point No. 6. Application of Mr. Aziz Ahmed Assistant Chief Executive Officer Maharashtra State Board of Wakfs, Aurangabad:-

It is submitted that Mr. Aziz Ahmed Assistant Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad has submitted applications Dated 16-8-2010, 7-9-2010 & 22-10-2010 the he had not been hold guilty from any of the two Chartered Accountants as well as Enquiry Officer, but drastic punishment of withholding two Increments and the suspension period not counted as Service period, is great injustice to him. Hence submitted for sympathetic consideration of the Board

This matter is deferred to next meeting on account of non submission of detailed report.

Point No.7. Refund of Rent of the Employees Maharashtra State Board of Wakfs, Aurangabad as per Stay Granted by Honourable State Minister Aukaf:-

It is submitted that the then Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad has issued Orders Dated 14-11-2008 with malafide intention of deduction of Rent from Salaries of 4 Employees of Board. Honourable State Minister Aukaf Granted Stay on said Orders and Government of Maharashtra has also issued letter in this regard on 26-11-2010. Board Employees had already paid Lease amount up to 2015 & 2017. Therefore, as per Law of Estoppel Lease cannot be increased or converted in monthly rent as most of the Lease and Rents has not been revised by the former Chief Executive Officer, e.g. Maulana Azad College has been given land on lease 196 Acres 35 Gunthas @ Rs. 1000/- per annum, in Alamgir Colony lease is Rs. 30/-, 60/-, 130/- 160/- Per Annum, where these Employees are residing. There is encroachment of Government, Semi-Government, Private persons and influential leaders, same has not been removed. Hence matter for refund of the rent deducted from the salary of helpless Employees is submitted for approval as per Law of Estoppel.

This matter is deferred to next meeting on account of non submission of detailed report.

Point No.8. Permission in respect of the Construction of Boundary Wall of the Graveyards and Repairs and Maintenance of the Masjids, Madarsas, Dargah, Khanqah and Redevelopment/Development Other Wakf properties etc.:-

It is submitted that Office of the Maharashtra State Board of Wakfs, Aurangabad is receiving applications for issuance of Permission in respect of the Construction of Boundary Wall of the Graveyards and Repairs and Maintenance of the Masjids, Madarsas, Dargah, Khanqah and Redevelopment/Development of Wakf Properties etc. same is necessary and mandatory for protection of Wakf properties. Hence the Assistant Chief Executive Officer may please be authorized for issuance of the Permission/Orders in the above matters as per Resolution no. 148/2010 dated 28/12/2010.

It is brought to the notice of the Board that there are 30 matters of No Objection Certificates to be issued in respect of construction of boundary walls, repairs and maintenance of graveyards. Of these four are of an urgent nature.

Resolution No 3/2011

The Board hereby resolves that no blanket permission or orders be issued in this matter. However the CEO is directed to place before the Board specific details of each case in respect of name, site, area, financial implications along with plans and estimates.

Point No.9 Letter of Chief Executive Officer Maharashtra State Board of Wakfs, Aurangabad to Principal Secretary, Minority Development Department, Government of Maharashtra for cancellation of the Orders of Additional Charge:-

It is submitted that Chief Executive Officer, Maharashtra State Board of Wakfs, Aurangabad has submitted two letters Dated 21-9-2010 & 23-11-2010 for cancellation of his Additional Charge of Chief Executive Officer and showed his extra burden of work at his original post (Quasi-Judicial). Because of his heavy burden of work load of original Office, work of Maharashtra State Board of Wakfs, Aurangabad could not be carried out smoothly. Hence submitted for necessary decision of the Board

It is observed that Resolution No 147/2010 dated 28/12/2010has not been implemented by the office of the Board.

The board hereby directs the CEO to take immediate action in this regard and to report the action taken to the Board.

Point No.10.Application of Rasheed Khan Basheer Khan for Post of Naik :-

It is submitted that Mr. Rasheed Khan Basheer Khan Peon has submitted so many applications for his promotion on the post of Naik, after Retirement of Bhimrao Naik. His case is genuine he may please be given promotion on the post of Naik.. Hence submitted for approval of the Board

The Board directs the CEO to place the issue before the Board along with all details of staffing pattern, existing vacancies etc in its next meeting.

Point No.11. Applications for Loan to Employees of Wakf Board:-

It is submitted that Mr. Asif Chowkidar, Ibrahim Peon of Jalna had applied for Loan of Rs. 25,000/- their Loan may please be sanctioned and Chief Executive Officer may please delegated powers to sanction of Loan to Employees to the extent of Rs. 50,000/-. Hence submitted for approval of the Board.

This matter was discussed in the last meeting of the Board where it was deferred due to lack of details. The matter is again deferred for the same reason. The CEO is directed not to bring bare issues without details to the Board.

Point No.12. Proposal for Salary as per staffing pattern of the Clerk cum Computer Operator appointed on contractual basis.

The board has appointed the below mention Clerk cum Computer Operator on Contractual basis 1) Sayed Amin-uz-Zama, 2) Sayed Asif Mutavalli, 3) Sayed Fayaz , 4) Abdul Azeem , it is hereby proposed to give benefit of 6th pay commission to the above mention staff.

CEO is directed to examine the matter in the light of Government Orders of contractual appointment and thereafter place the proposal before the Board for consideration.

Point No.13. Proposal for transferring Board Meeting work to Enquiry Section Wakf Board :-

It is submitted that presently the board meeting work is dealt by the Steno Janab Iftekarulla Baig as being over burdened of day to day work responsibility

and difficulties faced by him it is purposed to transfer the Board Meeting work to Enquiry Section.

Resolution No 4/2011

The board hereby resolves that action taken by CEO stands revoked with immediate effect and the work of the Board meetings is re-allotted to Enquiry Section for administrative purposes.

Any other matter to be taken with the permission of the Chair

1) It has been brought to the notice of the Board by the Regional Office, Waqf Board, Mumbai that since the formation of the Waqf Board of State of Maharashtra in February, 2002 to date, the Charity Commissioner has given permission for sale and lease of more than 100 Waqf Properties in the 'B' Category of Mumbai, Thane, Raigad and Nasik Districts notified in the Waqf Gazzette of 13.11.2003 u/s 36 of the BPT Act, 1950, inspite of having no jurisdiction to deal with Waqf Properties.

Resolution No.5

The Board strongly condemns this ultra virus act of the Charity Commissioner and declares these decisions of the Charity Commissioner as null and void and bad in law and unanimously agrees to request the Government to direct the Charity Commissioner's Office (through Law and Judiciary Department) to discontinue the intervention in Wakf Matters and to start an enquiry in this matter.

The Chief Executive Officer, Wakf Board, Aurangabad is also directed to issue notices to the above mentioned Waqfs/Trusts u/s 52 for recovery of the same.

Resolution No.6

It is hereby resolved that all clubbed cases pending before the Hon'ble High Court, Mumbai in respect of classification of Trusts/Wakfs, challenging the validity of the Wakf Act, composition of Wakf Board and Circular dated 24th July, 2003 issued by Charity Commissioner, Mumbai etc. be expedited by filing proper proceedings in the Hon'ble High Court /

Hon'ble Supreme Court and to persue the matter in a time- bound manner. The CEO is directed to take immediate appropriate action accordingly.

Resolution No.7

It is hereby resolved that in the matter of M/s. Antilia an application for revocation of the stay to be moved as per the direction of the Hon'ble Supreme Court in SLP/CC No. 6347/2008 before the Hon'ble High Court Mumbai.

Resolution No.8

It is hereby resolved that the Government be requested to direct the Charity Commissioner's Office (through Law and Judiciary Department) to refrain from initiating any proceedings in respect of accepting Audit Reports and Change Reports u/s 22 and all other proceedings under BPT Act, 1950 in respect of Muslim Trusts / Waqfs registered under 'B', 'E' and 'F' categories.

Resolution No.9

It is hereby resolved that in respect of Muslim Trusts / Waqfs registered under 'B', 'E' and 'F' categories the Government be requested to direct the Charity Commissioner's Office (through Law and Judiciary Department) to transfer all the remaining Records and Proceedings notified as Waqfs vide gazette dated 13.11.2003 to the office of the Maharashtra State Waqf Board, Aurangabad without further delay.

Resolution No.10

It is hereby resolved that the Chief Executive Officer, Waqf Board, Aurangabad is directed to take all necessary and immediate steps in respect of recruitment of staff and to keep the Board regularly apprised in this matter.

Resolution No.11

The Assistant Chief Executive Officer, Waqf Board has brought to the notice of the Board order dated 21.1.2011 issued by the Chief Executive Officer, Wakf Board downgrading the post of Assistant Chief Executive

Officer, Wakf Board to the post of Assistant Secretary. The Board strongly disapproves and disagrees with the above action taken by the Chief Executive Officer without consulting the Board and which is likely to hamper the functioning of the Board.

It is observed that the C.E.O. has not attended a single Board meeting since the time he has assumed office. Further he has also been preventing the Asst. C.E.O. from organizing the Board Meetings.

The Board resolves that for administrative purposes the order dated 21.1.2011 stands revoked with immediate effect.

Resolution No.12

The Board has received a letter dated 30.12.2010 from Shri. Shaikh Jafar, District Waqf Officer, Hingoli requesting the Board to immediately implement its resolution No. 7/2009 dated 26.7.2009 in respect of irregularities committed by Shri. Mohd. Muzaffar Siddiqui, Ex-Secretary, Marathwada Waqf Board, and at present Accounts Suprintendent, Waqf Board, Aurangabad

It is hereby resolved that the C.E.O. should take action in respect of implementation of the said resolution without further delay and report accordingly in the next Board Meeting.

Resolution No. 13/2011

All the Board members unanimously agreed to have the next Board meeting in the last week of Feb 2011.

Janab Tarique Anwar Sahab
Hon'ble Presiding Chairman
Mahashtra State Board of Wakfs

Janab A. U. Pathan
Hon'ble Member
Maharashtra State Board of Wakfs

(On Leave of Absence)
Janab Gulam Wastanvi
Hon'ble Member
Maharashtra State Board of Wakfs

Mohtarma, Shaheen Sayed Kadri
Hon'ble Member
Maharashtra State Board of Wakfs

Janab Abdul Ateeque Khan
Regional Wakf Officer, Mumbai
Maharashtra State Board of Wakfs