Sr. No.30

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CM(M) No. 117/2023

Vice Chairman J&K Muslim Wakf Board Zero Bridge Srinagar and Ors. …..Petitioner(s)/Appellant(s)

Through: Mr. Ruaani Ahmad Baba, Advocate.

vs

Manzoor Ahmad Jalali ….. Respondent(s)

Through: None.

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
29.09.2026

01. Respondent being continuously absent, the petition is taken on board for consideration.

02. Petitioners have invoked supervisory jurisdiction of this Court, under Article 227 of the Constitution of India,against the execution proceedings and order dated 20.05.2023 passed by learned Sub-Judge/Chief Judicial Magistrate, Budgam ["the trial Court"] in file No. 08/E (Application for Execution of Decree) titled *"Manzoor Ahmad Jalali vs. Vice Chairman, J&K Muslim Waqf Board and Ors*.".

03. Learned counsel for the petitioners has fairly admitted that learned trial Court in terms of judgment and decree dated 30.10.2017 directed the petitioners to consider the claim of the respondent, plaintiff in the suit, provided it falls within one time exception in terms of Rule 5 (b) Sub Rule (VII) of Service Regulation 2007 of Jammu and Kashmir Waqf Board.

04. It appears from the consideration order dated 21.01.2023, passed by the petitioners that case of the respondent/plaintiff came to be considered in the light of legal position and the relevant rules and regulations and he was not found eligible for any kind of pensionary benefits. The consideration order, however, nowhere reflects that

claim of the respondent has been considered strictly in terms of the judgment passed by the trial Court that whether he falls within one time exception under Rule 5 (b) Sub Rule (VII) of Service Regulations 2007 of Jammu and Kashmir Waqf Board, 2007. It is precisely for this reason that learned trial Court in terms of the impugned order has directed the petitioners to reconsider the claim of the respondent strictly in terms of the judgment and decree passed by the trial Court.

05. Having regard to the aforesaid, I do not find any illegality or impropriety in the impugned order. Hence, present petition is **dismissed** and impugned order is upheld.

06. Disposed of.

(Rajesh Sekhri)
Judge

Srinagar
29.09.2026
Sushant