



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-12610-2019 (O&M)
Date of decision: 04.09.2024

Shivani ...Petitioner

VERSUS

State of Haryana and others ...Respondents

CWP-12624-2019 (O&M)
Date of decision: 04.09.2024

Annu Devi ...Petitioner

VERSUS

State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Chetan Kapoor, Advocate for the petitioner(s)
(through V.C).

Mr. Pankaj Mulwani, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Raising identical questions of law and facts, both these cases are being decided by a common judgment, with the consent of the parties. The facts are however extracted from **CWP-12610-2019** titled as '**Shivani Vs. State of Haryana and others**'.
2. Learned counsel appearing on behalf of the petitioner contends that the petitioner is a sportsperson in the field of Wrestling and has participated in various competitions and won numerous medals, the details of which are as under:-



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1.	18th Girls (Cadet) National Wrestling Championship, Ranchi (Jharkhand) 23-26 April, 2015	Silver (2nd Position)
2.	19th Girls Sub Junior (Cadet) National Wrestling Championship, D.T.R.P. Indoor Stadium, Ulubari, Guwahati, January 22-24, 2016	Bronze (3rd position)

3. It is submitted that the State of Haryana had issued the **Haryana Sports & Physical Fitness Policy, 2015** (hereinafter referred to as ‘**the Policy of 2015**’) with an aim to grant incentives to the sports persons/cash awards for promoting excellence in sports. In Para No.26 of the Policy of 2015, a provision has been made for cash award to the medal winners. The relevant extract of the same reads thus:-

S. No.	Tournament/Championship	Medal	Earlier Award Money	Revised Award Money
1	Olympics/ Paralympic Games	Gold Silver Bronze Participation	5,00,00,000 3,00,00,000 2,00,00,000 11,00,000	6,00,00,000 4,00,00,000 2,50,00,000 15,00,000
2	Asian/ Para Asian Games	Gold Silver Bronze Participation	2,00,00,000 1,00,00,000 50,00,000 05,00,000	3,00,00,000 1,50,00,000 75,00,000 7,50,000
3	Commonwealth/Para Commonwealth	Gold Silver Bronze Participation	1,00,00,000 50,00,000 25,00,000 5,00,000	1,50,00,000 75,00,000 50,00,000 7,50,000
4	World Cup/Championship/ (once in 4 years)	Gold Silver Bronze Participation	10,00,000 8,00,000 6,00,000	25,00,000 20,00,000 15,00,000 7,50,000



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5	World Cup/World Championship/Para World Game/Para World Championship (annual)	Gold	10,00,000	20,00,000
		Silver	8,00,000	15,00,000
		Bronze	6,00,000	10,00,000
		Participation		3,00,000
6	World University Games/ Championship	Gold	---	7,00,000
		Silver	---	5,00,000
		Bronze	---	3,00,000
7	Youth Olympic Games	Gold	10,00,000	10,00,000
		Silver	7,50,000	7,50,000
		Bronze	5,00,000	5,00,000
8	Youth Asian Games	Gold	7,00,000	7,00,000
		Silver	5,00,000	5,00,000
		Bronze	3,00,000	3,00,000
9	Asian/Commonwealth Championship/Cup	Gold	4,00,000	5,00,000
		Silver	3,00,000	4,00,000
		Bronze	2,00,000	3,00,000
10	Youth Commonwealth Games	Gold	5,00,000	5,00,000
		Silver	3,00,000	3,00,000
		Bronze	2,00,000	2,00,000
11	SAF Games	Gold	3,00,000	5,00,000
		Silver	2,00,000	3,00,000
		Bronze	1,00,000	2,00,000
12	National Game/ Para National Games	Gold	3,00,000	5,00,000
		Silver	2,00,000	3,00,000
		Bronze	1,00,000	2,00,000
13	National Championship / Para National Championship	Gold	2,00,000	3,00,000
		Silver	1,00,000	2,00,000
		Bronze	50,000	1,00,000
14	National School Games	Gold	30,000	50,000
		Silver	20,000	30,000
		Bronze	14,000	20,000
15	All India Inter University Tournaments/ Championship	Gold	30,000	50,000
		Silver	20,000	30,000
		Bronze	14,000	20,000
16	National Women Sports Festival	Gold	30,000	50,000
		Silver	20,000	30,000
		Bronze	14,000	20,000
17	All India Rural Sports Tournament	Gold	30,000	50,000
		Silver	20,000	30,000
		Bronze	14,000	20,000
18	International Veteran (Master) Athletics Championship (In all age group)	Gold	70,000	1,00,000
		Silver	50,000	60,000
		Bronze	30,000	40,000
19	National Veteran (Master) Athletics Championship.	Gold	30,000	75,000
		Silver	20,000	50,000



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	(In all age group)	Bronze	14,000	30,000
20	Special Olympic-World Games (International) for Mentally Challenged Sportspersons	Gold	15,00,000	15,00,000
		Silver	10,00,000	10,00,000
		Bronze	5,00,000	5,00,000
		Participation	1,00,000	2,00,000
21	World Marathon for Mentally/ Physically Challenged Sports person	Gold	1,00,000	3,00,000
		Silver	75,000	2,00,000
		Bronze	50,000	1,00,000
		Participation	--	50,000
22	Special Olympic (National) for Mentally/ Physically Challenged Sports Persons	Gold	30,000	50,000
		Silver	20,000	30,000
		Bronze	14,000	20,000

4. The above said cash award is given as per the eligibility conditions extracted below:

“The Sports person must have represented the State of Haryana in the national team, in case of national level competitions.

Players shall be given award for the performance of preceding financial year only. No award for past performance/ achievement will be considered.

Applications should be received through District Sports & Youth Affairs Officer concerned.

The cash award will only be given to those sportspersons who have represented the State of Haryana in any sports.

The sportsperson or parents of the sportsperson should be resident/domicile of Haryana. He/she must submit Haryana resident Certificate (Domicile Certificate) from



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competent Authority alongwith application.

In a particular/same sports first medal full payment and on additional medals half amount of second winning medal.”

5. It is contended that cash award had been given to similarly placed Sujata daughter of Randhir Singh, resident of VPO Barota, Tehsil and District Karnal for securing Gold medal in 17th Girls Sub Junior (Cadet) National Wrestling Championship held from 29.06.2014 to 02.07.2014 at Srinagar, Jammu and Kashmir (38 kg.) as informed vide reply dated 26.10.2018 to the query(ies) sought under the Right to Information Act, 2005. Similarly, cash award was also given to Karuna daughter of Yogender, resident of VPO Titoli, District Rohtak on securing Gold medal in 19th Women Sub Junior National Wrestling Championship held from 22.01.2016 to 24.01.2016 at D.T.R.P. Indoor Stadium, Ulubari, Guwahati (70 kg.) as informed vide reply dated 11.10.2017 under the Right to Information Act, 2005. The petitioner had applied for cash award in November-2016 [(petitioner Annu Devi in CWP-12624-2019 and in relation to petitioner Shivani, in November-2016 which was however denied by the respondents-State in their reply(ies)]. Another opportunity was given by the department, as a special one-time chance, to the sportspersons who could not submit their application to get cash award on the basis of National and International sports achievements during 01.04.2009 to 31.03.2021 due to any reason, provided they were eligible as per the then departmental notifications regarding Cash Award Scheme. The claim of the petitioner for



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grant of cash award was however rejected on the ground that the “Cadet” Championship does not fall under the Policy of 2015. He contends that Wrestling Federation of India had issued a clarification vide its letter dated 21.04.2017, certifying that the expression “Cadet” and “Sub-Junior”, both are the same age category and playing between age group of 16-17 years. The word “Cadet” is generally used during International Championships and they have to be treated as the same age group. He contends that notwithstanding the above said clarification having been issued by the Wrestling Federation of India, the claim of the petitioner for grant of cash award was declined by the respondents vide order bearing endorsement No. Sports-Award-2019/10656-61 dated 14.03.2019.

6. It is contended that the petitioner visited the office of the respondents many times against rejection of her application for release of the cash award, however, the needful was not done. He claims that certain other participants, who were also denied the cash award by the respondents-State, had approached this Court by filing of **CWP-27875-2018** titled as ‘**Sanju Devi and others vs. State of Haryana and others**’, with a prayer for directing the respondents to release the cash awards. The said writ petition was disposed of vide order dated 31.10.2018 with a direction to the authority to look into the grievance and take a decision thereupon. In compliance thereof, the order dated 14.03.2019 was passed wherein it was averred that the 18th Girls Cadet National Wrestling Championship Ranchi held between 23-26.04.2015 pertains to the financial year 2015-16, which is not included



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in the Policy of 2015, as clarified vide Government order dated 07.06.2018. The relevant part of the order declining the claim of the similarly situated petitioners in CWP-27875-2018 is extracted as under:

“The claims of the petitioners have been examined in the light of the applicable policy. The position in respect of various tournaments is as under:-

“xxxx

1. 18th Girls Cadet National Wrestling Championship Ranchi (Jharkhand) 23-26 April, 2015 (46 kg.), which pertains to the financial year 2015-16, is not included the policy of cash award as clarified vide Government order dated 07.06.2018, and, therefore, the Priyata is not eligible for any cash award.
2. 2015 Cadet Asian FS.GR & WF Wrestling Championship, New Delhi (India) 11-14 June, 2015 (40 kg) & 18th Girls Cadet National Wrestling Championship Ranchi (Jharkhand) 23-26 April, 2015 (46 kg), which pertains to the financial year 2015-16, are not included in the policy of cash award as clarified vide Government order dated 07.06.2018, and, therefore, the Annu Devi is not eligible for any cash award.
3. The applications for grant of cash award sports achievements of the financial years 2016-17, 2017-18 &



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2018-19 have since been invited from the sportspersons.

The applications received from the Sanju Devi and Srishti, if any, will be considered as per policy of the government.

The Legal Notice dated 05/09/2018 (Annexure P-3) served by Ms. Sanju Devi & Srishti are decided accordingly.

xxxx.”

7. Aggrieved thereof, the present writ petition has been filed.
8. In the reply submitted by the respondent-State, they have defended the order and submitted that the claim of the petitioner is not covered under the Policy of 2015. The relevant extract of the above said reply reads thus:-

“4. That to adjudicate the controversy involved in the instant case, it would be imperative to reproduce here the relevant Para No. 26 of the Haryana Sports Physical Fitness Policy 2015, wherein, the eligibility & conditions for cash award have been incorporated:-

- (i) The sports persons must have represented the state of Haryana in the national team, in case of national level competitions.***
- (ii) Players shall be given awards for the performance of preceding financial year only. No award for past performance/achievements will be considered.***
- (iii) Applications shall be received through District Sports &***



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Youth Affairs Officer concerned.

(iv) The cash award will be given to those sportspersons who have represented the state of Haryana in any sports.

(v) The sportsperson or parents of the sportsperson should be resident/ domicile of Haryana. He/she must submit Haryana resident Certificate (Domicile Certificate) from competent Authority alongwith application.

In a particular/ same sports first medal full payment and on additional medals half amount of second winning medal.

5. That pertinently there is no provision in booklet, Haryana Sports & Physical Fitness Policy-2015 for grant of cash award to Junior, Sub Junior or Youth Categories other than Youth Olympic Games, Youth Asian Games, Youth Commonwealth Games and National School Games. Cash award is not admissible to a medal winner in Junior, Sub Junior or Youth Categories other than Youth Olympic Games, Youth Asian Games, Youth Commonwealth Games and National School Games. The same is clarified by the State Government vide order dated 07.06.2018. (Annexure R-1).

6. That the State Government vide notification dated 07.09.2018 (Annexure R-2) made amendments in Cash Award Scheme for grant of cash award to eligible sportspersons,



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which is reproduced as under :-.

I Eligibility

- i Domicile/resident of Haryana.***
- ii Did not play for a State/ UT other than Haryana;***
- and***
- iii Plays for Haryana State at the National level.***

However, in case of medal winners in Olympics, Paralympics, Asian Games, Para Asian Games, Youth Olympics, Commonwealth Games, Youth Asian Games and World Cup/Championship (held once in 4 years cycle), the sub condition at(iii) above will be relaxed in case the sportsperson plays for any central organization due to employment or sports training.

II. Restriction On Sports Disciplines Eligible For Cash Awards:

In respect of the following tournaments, cash awards will be restricted to the following sports disciplines:-

- A. In the case of World Cup/Championship, World University Games/Championship, Asian Cup/Championship, Commonwealth Cup/Championship, SAF Games, National Championship and All India***



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Inter-University Tournaments/ Championship:-

- (i) Sports disciplines included in Olympic Games or Asian Games or Commonwealth Games.***
- (ii) Chess.***

B. In the case of Para World Games/Championship and Para National Championship :-

- (i) Sports disciplines included in Paralympic Games or Asian Para Games or Commonwealth Games (Para- Sports).***
- ii) Chess.***

xxxx...

8. That it is significant to mention here that the State Government took a conscious decision on 11.04.2019 that in sports certificates of some tournaments, the word Under-12, Under-18, Under-21, Under-23 and word 'Cadet' & 'Pre-Cadet' is mentioned, whereas, in Sports Policy, Junior, Sub Junior and Youth Category is mentioned. Therefore, the sports certificates on which word Junior and Sub Junior is not written same would not be considered for grant of cash award. Meaning thereby, the sports certificate on which word Under-12, Under-18 etc, or 'Cadet' or 'Pre-Cadet' is mentioned will not be treated as valid. If, any age category or Cadet is mentioned alongwith Junior or Sub Junior on the



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sports certificate that will be valid. In this regard, the Principal Secretary to Government, Haryana, Department of Sports & Youth Affairs, Chandigarh vide letter dated 12.04.2019 circulated these guidelines to all the District Sports & Youth Affairs Officers of the State for compliance. The copy of letter dated 12.04.2019 is annexed as Annexure R-4.

9. *That the District Sports & Youth Affairs Officer, Karnal (respondent No.3) vide letter dated 06.05.2020 informed the Director, Department of Sports & Youth Affairs, Haryana (respondent No. 2) that the petitioner had not applied for cash award for the year 2015-2016 for her achievements i.e. 1st Position in 18th Girls Cadet National Wrestling Championship held at Ranchi (Jharkhand) from 23.04.2015 to 26.04.2015 (weight category 52 Kg.) and 3rd Position in 19th Girls Sub Junior (Cadet) National Wrestling Championship held at D.T.R.P. Indoor Stadium, Ulubari, Guwahati from 22.01.2016 to 24.01.2016 (weight category 52 Kg.).*

xxx

11. *That the respondent No.3 vide letter dated 28.11.2022 has informed the respondent No. 2 that the*



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petitioner has applied for grant of cash award for the above mentioned sports achievements for the year 2015- 2016. The committee constituted by the respondent No.3 examined the application of petitioner and sent the same to the office of the office of respondent No. 2 with the recommendation to release the cash award. The committee constituted by the respondent No.2 further examined the application of petitioner and found that the first achievement i.e.1st Position in 18th Girls Cadet National Wrestling Championship held at Ranchi (Jharkhand) from 23.04.2015 to 26.04.2015 (weight category 52 Kg.) is not covered because in the said sports certificate of the petitioner, word Cadet is mentioned whereas, the word Junior/Sub-Junior (Cadet) nor Junior/Sub-Junior alongwith age category must have been mentioned. Therefore, the answering department rejected the claim of petitioner for grant of cash award for the said achievements, because the claim put forth by the petitioner does not fall under the domain of prevailing policy. Regarding the 2nd achievement i.e. 3rd Position in 19th Girls Sub Junior (Cadet) National Wrestling Championship held at D.T.R.P. Indoor Stadium, Ulubari, Guwahati from 22.01.2016 to 24.01.2016 (weight category 52 Kg.), the petitioner is eligible for grant of cash award. The cash award will be released as per the



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recommendation of the committee constituted by respondent No. 2 to the petitioner for the said achievement shortly.
xxx

13. That with regard to the assertions made by the petitioner in Para No. 4 of the Civil Writ Petition for granting of cash award to Ms. Sujata D/o Sh. Randhir Singh and Ms. Karuna D/o Sh. Yogender, it is clarified that in the achievement of Ms. Sujata (1st Position in 17th Girls Sub-Junior (Cadet) National Wrestling Championship held at Srinagar (J&K) from 29.06.2014 to 02.07.2014 and in the achievement of Ms. Karuna (1st Position in 19th Girls Sub-Junior (Cadet) National Wrestling Championship held at D.T.R.P. Indoor Stadium, Ulubari, Guwahati from 22.01.2016 to 24.01.2016), the word Sub-Junior (Cadet) has been mentioned. Therefore, the cash award was rightly given to Ms. Sujata and Ms. Karuna for their respective sports achievements.

xxx”.

9. No replication/rejoinder has been filed on behalf of the petitioner.

10. Learned counsel appearing on behalf of the petitioner has vehemently argued that the claim of the petitioner has been declined by the respondents solely on the ground that the said National Wrestling



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Championship was a “Cadet” Championship and that in view of the Government clarification issued vide 07.06.2018 (Annexure R-1), the cash award is not admissible to the winners in the Junior, Sub-Junior or youth category tournaments, within the specified categories of the tournaments.

The relevant extract of the letter dated 07.06.2018 read thus:-

“SUBJECT: Clarification regarding scheme of cash award to medal winners-incentives to sportspersons.

A senior category tournament cannot be equated to the corresponding Junior, Sub-Junior and Youth categories.

There is no provision in the booklet, Haryana Sports & Physical Fitness Policy-2005 for cash award to Junior, Sub-Junior or Youth Categories other than Youth Olympic Games, Youth Asian Games, Youth Commonwealth Games and National School Games.

Cash award is not admissible to a medal winner in the junior, sub-junior or youth category tournaments, other than Youth Olympic Games, Youth Asian Games, Youth Commonwealth Games and National School Games. No deviation shall be made while processing cases for cash awards.

***Dated, Chandigarh
The 07.06.2018***

***sd/-
xxxx***

Endst. No.:4/40/2017-4SYA

Dated, Chandigarh the 7th June 2018.”

11. It is submitted that as per the averments contained in para



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Nos.8, 9 and 11 of the reply filed by the respondents, the reason for denial of the claim of the petitioner is that the certificate was for a “Cadet” Championship and not for any “Junior” or “Sub-Junior” Championship, hence, the same would not be considered for grant of cash award notwithstanding that the cash award has been given to other similarly placed persons referred to in the writ petition. It is argued that the Wrestling Federation of India has already issued a clarification about the expression “Cadet” Championship vide communication dated 21.04.2017. The said clarification/certificate issued by the Wrestling Federation of India is extracted as under:

“XXXX

TO WHOMSOEVER IT MAY CONCERN

This is to certify that the Cadet and Sub-Junior both are the same age category plays between the age group of 16-17 years and 15 years age group may participate with medical certificate alongwith parental authorization. The Cadet Word generally uses for the International Competitions. However, the Cadet and Sub-Junior both words are treated as the same age group in the sport of wrestling.

Sd/-

[Vinod Tomar]”.
Asst. Secretary

12. He argues that the Wrestling Federation of India, being the final



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authority for giving the explanation with respect to the nature of the Championship and its equivalence to the category of Sub-Junior, there was no occasion for the State Government to differentiate between these two words and assign any explanation other than the meaning assigned by the Wrestling Federation of India.

13. Learned State counsel on the other hand contends that the claim of the petitioner was duly considered under the Policy of 2015 and it was noticed that there was non-mentioning of the Championship as “Junior” or “Sub-Junior” and her having participated in a “Cadet” National Wrestling Championship whereas in so far as the claims of other persons are concerned, the word “Cadet” had been mentioned in their sports achievements furnished within the “Brackets”. Since the said clarification was not mentioned in the sports achievement furnished by the petitioner, hence, the benefit could not be extended.

14. Learned State counsel has also argued in relation to claim of the petitioner Shivani that as per the eligibility and conditions for cash award incorporated in the Policy of 2015, a player is given award for performance for the preceding financial year only. The petitioner in the said case never submitted an application for grant of financial assistance for the tournaments held in the year 2015, within a duration of the next financial year, hence, she was not eligible for grant of benefits under the above said eligibility conditions of the Policy as well.

15. There is also a reiteration of the endorsement dated 07.06.2018



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issued by the Government of Haryana clarifying the scheme of cash awards to the medal winners and incentives to sportspersons where the category of Junior, Sub Junior or Youth Categories other than Youth Olympic Games, Youth Asian Games, Youth Commonwealth Games and National School Games have been excluded from the benefit of cash award. He contends that under the given circumstances, the order passed by the Director Sports impugned in the present petition deserves to be upheld and the writ petition deserves to be dismissed.

16. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.

17. The principal ground cited by the respondent-State for denial of benefit to petitioner-Annu Devi in CWP-12624-2019 is that the word “Cadet” had been mentioned in relation to the 18th Girls Cadet National Wrestling Championship held between 23-26.04.2015 at Ranchi and that as it is not a Junior/Sub-Junior category, hence, the benefit could not be extended. A further reliance has been placed on the clarification dated 07.06.2018. In so far as the aspect of the use of word “Cadet” is concerned, I find that the reasons given by the respondents are not sustainable. A specific clarification has already been issued by the Wrestling Federation of India, which is the apex body for certifying equivalence or categorizing the Championship. It has already certified that the use of word “Cadet” is just an International Standard expression used for the Sub-Junior Category and actually relates to the same age groups. Once said clarification has been



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issued by the National Sports Federation, the Director, Department of Sports and Youth Affairs, Haryana was not justified in giving his own interpretation and explanation and in discarding a certificate already clarified. Such a reason for denial, merely on the use of the nomenclature other than the word that may have been used by the State in its sports policy, would not be sufficient to deny a benefit.

18. In so far as the second argument in relation to reliance on the Government order dated 07.06.2018 excluding all medal winners in the Junior, Sub Junior or Youth Categories other than Youth Olympic Games, Youth Asian Games, Youth Commonwealth Games and National School Games is concerned, the said Government order, even though titled as a clarification, is in the nature of a substantive amendment to the sports policy. An entire category of championships and tournaments has been excluded from the purview of the cash award. I find that the nomenclature “clarification” has been wrongly issued and it is more in the nature of amendment.

19. The exclusion of the said category(ies) thus has to be construed prospectively and with effect from the date of issuance of the order and not retrospectively for the cases that were pending or related to the period prior thereto. Reliance on the prospective amendment to the Policy could not have been made for denial of the claims pertaining to the period/sports achievements prior to the issuance of the Government order.

20. Now adverting to additional arguments raised by the



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respondents-State in relation to the claim of Shivani in CWP-12610-2019, not submitting the application in the first instance for grant of cash award in the next financial year is concerned, there is no unimpeachable and prima facie admissible evidence available on record on the basis whereof it can be held at this juncture that the petitioner submitted an application for conferring the cash award within the time span as prescribed under the said policy. The impugned order dated 14.03.2019 (Annexure P-7) also does not make any reference of any claim that may have been submitted by the petitioner-Shivani or was being considered by the Director, Department of Sports and Youth Affairs to the Government of Haryana, hence, there is no finding on the specific claim made by the petitioner about having submitted the claim in the month of November-2016 itself.

21. Under the given circumstances, the petition bearing CWP No.12624 of 2019 filed by petitioner-Annu Devi is allowed. The respondents are directed to release the admissible cash award to the petitioner therein within a period of two months of receipt of certified copy of this order.

22. The petition filed by Shivani bearing CWP No.12610 of 2019 is disposed of with a direction to the Director, Department of Sports and Youth Affairs, to take a decision with respect to the entitlement of petitioner in accordance with the applicable terms and conditions and ignoring the amendment dated 07.06.2018 issued by the Government.

23. Let a decision be taken with respect to the claim of petitioner- Shivani in CWP No.12610 of 2019 within a period of 04 months of receipt of certified copy of this order, as per law.

04.09.2024

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No