

CWP No.27484 of 2013

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.27484 of 2013
Date of decision:25.07.2017**

Rakesh Jolly

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. H.S.Sethi, Advocate,
for the petitioner.

Mr. Saurav Mohunta, DAG, Haryana.

Mr. R.S.Longia, Advocate,
for respondent no.3.

Rakesh Kumar Jain, J.

The petitioner is an Ex. Ranji player from Haryana and was enrolled as a member of the Panchkula Golf Club (hereinafter referred to as the "Club") when he was serving in the Custom and Excise Department of the Central Government as a Class-II officer. On a verbal complaint, a show cause notice dated 06.08.2012 was served upon him that he was not eligible for membership in Service-B category as it was meant only for Class-I officers of the Central Government and as such, his membership was converted into General category and was asked to pay the relevant membership charges accordingly. The petitioner filed reply to the aforesaid show cause notice on 24.08.2012, in which he made the following averments:-

*"..... I agree that in 2004, I was not a Class-I officer with
the Central Govt. as was required as per para 1 (iv) (b) of the*

club's bye-laws; but, I reckon my sports credentials (serving Haryana State for 15 years in Cricket) were taken into consideration while offering me the membership.....”

Thus, he requested that his earlier status of membership be maintained. However, vide order dated 08.12.2012, the Club declined the prayer of the petitioner and asked him to deposit a sum of ₹70,000/- towards the difference of amount as he was not treated as a Central Government employee because it was only meant for Class-I officers and not for Class-II officers.

Aggrieved by the action of the respondents, this petition has been preferred in order to challenge the show cause notice dated 06.08.2012 and the order dated 08.12.2012.

Learned counsel appearing on behalf of the petitioner has vehemently contended that the Club could not have initiated action against the petitioner on a verbal complaint and has referred to Clause 11 of the Membership Information and Bye Laws of the Club (hereinafter referred to as the “Bye-Laws”). It is also submitted that the petitioner has been using the facilities of the Club for a long time and there has never been any complaint against him. It is also submitted that since the petitioner has rendered services to the State of Haryana, in the field of sports of Cricket as a Ranji player for a long time, therefore, the action initiated against the petitioner for recovery of ₹70,000/- deserves to be dropped.

On the other hand, counsel for the respondents have submitted that as per the Bye-Laws of the Club, the membership of the Club is open to the various categories, in which Clause 1(iv)(b) provides for the membership to the “*other officers including Defence Service, Central Government officers*

and Central PSUs including retired officers (only class one officers)”. However, the Central Government officers, who are not Class-I officers, are not entitled to the membership of the Club in Central Service category and they have to take the membership in the General category, for which there is a separate slab of charges. It is also submitted that no relaxation can be given to the petitioner on the ground of his being a celebrated cricket player as it would disturb the admission process. It is also submitted that once the petitioner has admitted that he was not a Class-I officer of the Central Government at the time when he got the membership in Central Service category, he does not come within the ambit of Clause 1(iv)(b) of the Bye-Laws. Insofar as the manner in which the complaint has been made, it is submitted that it is only a procedure but the fact remains that the petitioner himself has admitted in his reply that when he was admitted to the membership of the Club, he was a Class-II officer of the Central Government.

I have heard learned counsel for the parties and examined the available record with their able assistance.

There is no dispute that the petitioner obtained membership of the Club bearing No.379 on 01.04.2004 in Central Service category and was admittedly working as a Class-II officer with Custom and Excise Department of the Central Government and the Club had charged from him the entrance fee, which was being charged from Class-I officers of the Central Government. The petitioner continued to enjoy the status of the membership of the Club in Central Service category till a complaint was made by an officer of his department that he has been wrongly given the membership in Central Service category because he was in Class-II service of the department, whereas the Central Service category membership was meant only for Class-I officers. The

Club adopted a proper procedure in asking the petitioner about his status and the petitioner has also very fairly replied as a sportsman that he was in Class-II service of the department at the time when membership was offered to him and did not conceal any fact. The Club has passed the impugned order, asking the petitioner to make up the deficiency of his membership fee as his membership has not been considered in the Central Service category and has been treated in the General category as it is alleged by the Club that there is no provision in the Bye-Laws of relaxing the conditions even if the petitioner is an Ex.Ranji player.

To my mind, there has to be a discipline in the Club and the provisions should apply equally to all the members no matter how high he may be placed in life otherwise the basic fabric of the Club where all the members enjoy equal status would be shattered. If the petitioner, at the time of his entrance to the membership of the Club, was not eligible to be treated as a Class-I Central Government officer, there would hardly be a matter of concern as to whether the complaint has been given in writing or not. Thus, the impugned order has rightly been passed by the Club asking the petitioner to make payment of the dues.

Thus, in my considered opinion, there is hardly any merit in this petition, calling for any interference by this Court, and hence, the same is hereby dismissed, though without any order as to costs.

July 25, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No