

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 29212 of 2018 and 1529 of 2019

Date : 15.3.2019

WP 29212 of 2018

Between:

Telangana Kabaddi Association
Office at Room No 8 L B Stadium Hyderabad,
rep by its Vice President G Karthaiah S/o G Raju Aged bout
53 years Occ Vice President and Nalgonda District Kabaddi
Association General Secretary R/o H No A/102 Pylon Colony
Nagarjun Sagar Peddavura Mandal Nalgonda District
Telangana State

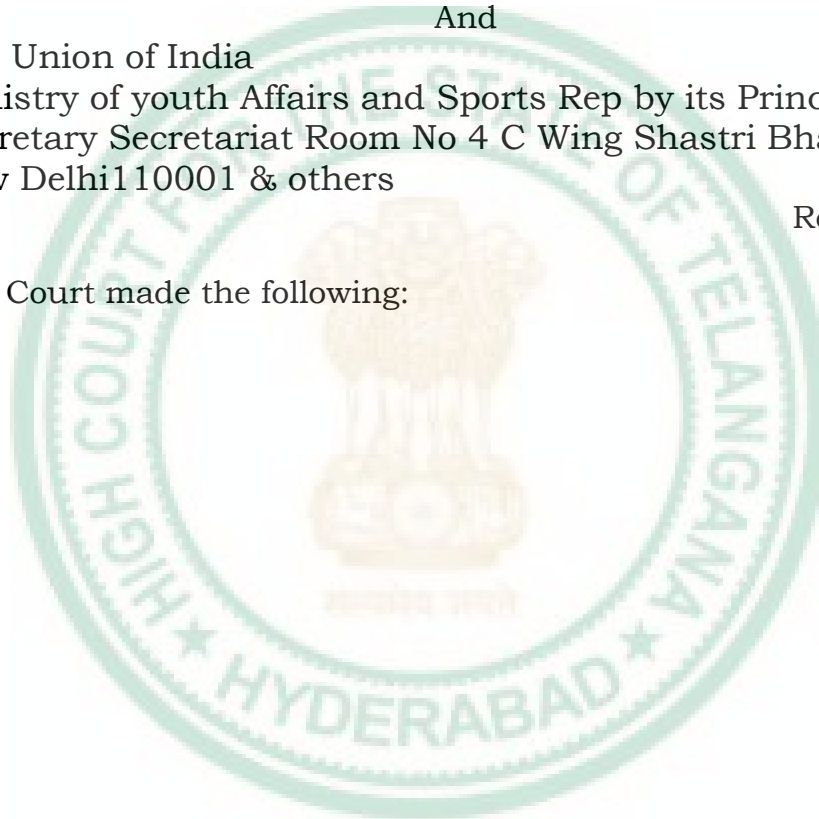
Petitioner

And

The Union of India
Ministry of youth Affairs and Sports Rep by its Principal
Secretary Secretariat Room No 4 C Wing Shastri Bhavan
New Delhi 110001 & others

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 29212 of 2018 and 1529 of 2019

COMMON ORDER:

Heard party in person Mr. A. Ushi Reddy, Sri Pochaiah Dorishetty learned standing counsel for Sports Authority, Sri M.S. Prasad learned senior counsel for Sri Dharavath Ravi, learned counsel for impleaded respondent No.10 in WP No. 1529 of 2019.

2. In these two writ petitions, Telangana Kabaddi Association is petitioner. W.P.No.29212 of 2018 is filed praying to direct the respondents 5 to 7 to consider the application of petitioner dated 11.7.2018 made by Senior Vice President and another representation dated 11.7.2018 made by Honorary Secretary, by way of issuing affiliation and recognition and to direct the respondents to allow the Sub-Junior, Junior and Senior Kabaddi teams in the National tournaments conducted by Amateur Kabaddi Federation of India (for short AKFI), sent by petitioner association and further relief to confine age of 70 years for Telangana Kabaddi Association (for short TKA) Honorary Secretary or General Secretary.

3. In W.P.No.1529 of 2019 petitioner challenges the notice dated 25.1.2019 issued by Justice S.P.Garg (Retired)-President/Administrator, AKFI addressed to all the Presidents and Secretaries of the affiliated Unions of AKFI and issue appropriate directions to suspend the notice until completion of the period of one month fixed by the Administrator in the orders dated 18.1.2019 to 17.2.2019 and to direct the Administrator to delete the name of Sri K Jagadishwar Yadav from the electoral college of AKFI.

4. Though elaborate pleadings are made and voluminous documents are placed on record, the short issue for consideration in W.P. No.1529 of 2019 is whether the notice dated 25.1.2019 was validly issued.

5. Shorn of details, W P (C) No. 4601 of 2013 and CM No. 14524 of 2017 was instituted in the High Court of Delhi challenging hegemonic control exercised by respondent no.4 and his wife respondent no.5 therein over the affairs of AKFI; petitioner challenged the amendments effected at the instance of 4th respondent therein in the Memorandum of Association (for short MOA) and constitution of AKFI including 5th respondent to be nominated as President and sought for quashing of the elections to various posts of AKFI held on 19.5.2013 and appointing Returning Officer for conducting elections. He sought further relief of cancellation of affiliation to AKFI and sought for direction to conduct enquiry into the affairs of AKFI through independent investigating agency.

6. On elaborate consideration of the matter, High Court of Delhi rendered judgment dated 3rd August, 2018 allowing the writ petition. The High Court of Delhi struck down certain clauses of MOA; appointment of 4th respondent as Life President and the election of 5th respondent as President. Appointed Sri Sanat Kaul, IAS (Retd) as Administrator who was asked to take over control of AKFI and Administer its affairs. He was asked to ensure that electorate college of AKFI is prepared and elections held in accordance with model guidelines within three months. Further direction issued was to the body elected to carry out amendments to MOA to bring it in conformity with the NSCI. High Court at Delhi fixed time limit of six months to complete the entire exercise.

7. Aggrieved thereby, SLP (C) No. 23830 of 2018 was filed. By order dated 3.8.2018, Supreme Court dismissed the SLP. However, the Administrator was granted time of 12 weeks to hold elections from that date. On 14.12.2018 Supreme Court passed further orders extending the time for completion of elections by further period of eight weeks from that date. Court ordered compliance of the orders dated 31.8.2018 in true letter and spirit. In terms thereof, election process was set in motion. The impugned notice dated 25.1.2019 was issued by the Administrator fixing the date of holding election as 15.2.2019.

8. Party-in-Person, representing the Federation submits that though, the election process was set in motion in compliance with the directions of the High Court of Delhi and further directions of the Supreme Court, insofar as the representation by TKA in the election to the AKFI, without conducting elections to the Executive Committee of the Association, no person can represent the TKA and be part of electoral college to participate in the elections of AKFI.

9. To appreciate this contention, the order passed by Administrator AKFI on 18.1.2019 enclosed to the writ petition material paper book as Ex.29 requires consideration. The Party-in-Person filed objections to the nomination sent by TKA. Party-in-Person contended that TKA was registered in the year 2014, it comprises of 31 district Kabaddi Associations in the Telangana State. 31 districts were formed by the Government and those districts were duly affiliated to TKA. In the Special General Body meeting held on 17.6.2018 unanimous decision was taken to suspend Sri K Jagadishwar Yadav and elected Sri Ushi Reddy as Honorary Secretary. The President then moved an application on 18.6.2018 to the Secretary AKFI to get recognition for new body with change of name of General Secretary. There was follow up action on such request made and same was

pending. On consideration of the objections, order was passed by the Administrator on 18.1.2019. The Administrator observed that on the claim of Sri Ushi Reddy as office bearer of TKA, there was no supporting material that General Body Meeting was held on 28.7.2018; that it was attended by affiliated District Kabaddi Associations and that such meeting was called in accordance with the Rules and Bye-laws. He has also observed that Sri Ushi Reddy himself is acting as Election Officer for holding elections; himself announced the results of the election and it was further alleged that he was unable to controvert above referred material. The Administrator observed that TKA with its office bearers Mr Mudiraj as President, Mr K Jagdishwer Yadav as Secretary and Mr Sreeramulu as Treasurer is duly recognized with Telangana Olympic Association as well as AKFI. On detailed consideration of the objections, he has passed the following order:

“Accordingly, the objections are decided to the effect that Telangana Kabaddi Association will amend its constitution to make it in compliance with Sports Code and then to hold elections of its Office Bearers in compliance with Model Election Guidelines in terms of Hon’ble Delhi High Court judgment, preferably within one month. The elections be conducted under the supervision of retired High Court judge or retired district Judge as per rules.

In the present situation however the “Electoral College” for the election of Office Bearers has been constituted for a limited purpose that the elected body of AKFI will amend the MOA of AKFI so as to bring it in conformity with Sports Code. Accordingly, names received from TKA for “Electoral College” are accepted as such for the limited purpose for first round of elections of AKFI”

10. It is appropriate to note from the above extracted portion that while directing TKA to amend its constitution, make Bye-laws in compliance with the sports code and then hold elections to its office bearers in accordance with the judgment of the High Court of Delhi preferably within one month, the Administrator observed that names received from TKA for electoral college are accepted for the limited purpose to participate in the first round of election to AKFI. In other words, with reference to representation of TKA in the elections to AKFI the Executive Body already recognized by the Telangana Olympic Association and AKFI was directed to represent, rejecting objection of Mr Ushi Reddy. This decision of the Administrator is not under challenge. In fact, Party-in Person would urge that he has no objection on the orders passed but prays for full compliance of the said orders. According to Party-in-Person, compliance is also required with reference to amendment of bye-laws and conducting of election to TKA within time fixed and till elections are conducted, the Association should not be represented.

11. It is clear from order of the Administrator that he has made finer distinction on both issues. While ordering conducting of elections within time schedule, he has delinked representation of State Association in AKFI elections from conducting of elections to the State Association.

12. The prayer in Writ Petition No. 1529 of 2019 is confined to praying to suspend the notice dated 25.1.2019 till completion of one month as ordered by the Administrator on 18.1.2019 to conduct elections to State Association. The notice dated 25.1.2019 was issued by the Administrator in compliance of the directions of High Court of Delhi and affirmed by the Supreme Court with time limit to complete the election process. I do not see any illegality in the said notice warranting interference by this Court. In fact staying said notice would amount to

violating the directions of High Court of Delhi as confirmed by Supreme Court.

13. During the course of hearing, Party-in-Person informed the Court that subsequently elections to State Association are held under the supervision of retired Judge of the High Court as directed by Administrator and a new body is now put in place and same may have to be recognized by the AKFI. Court is not expressing any opinion on what steps are required to be taken consequent to holding of elections as it is outside the scope of this writ petition. Accordingly, WP No 1529 of 2019 is dismissed.

14. In W P No. 29212 of 2018, petitioner prays that as requested in the letters dated 11.7.2018, the AKFI should give affiliation and recognition to reconstituted office bearers of the Association and consequently to allow teams sponsored by the Executive Body of the association to participate in the national tournaments in Sub Junior, Junior and Senior categories. It is not in dispute that the State Association is entitled to sponsor the names of sportsmen who can represent in various tournaments and the guidelines/ instructions are well laid down. The Executive Committee which represents the TKA is entitled to take up the issue of such representation in the National tournaments. As grievance in this writ petition was to accord recognition and affiliation to the then Executive Body of the State Association, on account of subsequent developments and that Party-in-Person contends that recently elections were held and new Executive Body is elected, no directions as sought can be granted at this stage. The Writ Petition No. 29212 of 2018 is accordingly dismissed. It is needless to observe that duly elected Executive Body of the State Association can take up these issues with AKFI.

15. Though, Sri M.S. Prasad, learned senior counsel appearing for impleaded respondent no.10 raised preliminary objection on entitlement of Mr Ushi Reddy to represent petitioner Association contending that Association cannot be represented by a Party-in-Person, Court is not expressing any opinion in the instant cases as writ petitions are dismissed and said issue is left open to be agitated in appropriate proceedings.

16. Miscellaneous petitions, if any pending in both writ petitions are closed.

P NAVEEN RAO,J

DATE:15-3-2019
TVK



HONOURABLE SRI JUSTICE P. NAVEEN RAO



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