

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

**CWP-2434-2019 (O&M)
Date of Decision:02.12.2019**

Gaurav Kumar

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Shakti Bhardwaj, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner assails the decision taken by the Council of Ministers of the State of Haryana pursuant to a meeting held on 02.05.2013 and whereby it was decided to offer one time cash award of Rs.5 lakhs to such sports persons of Haryana who have successfully scaled Mount Everest since 2005 subject to the condition that they are not government employees/have not been provided government job for such achievement (Annexure P-5).

The precise case set up on behalf of the petitioner is that the decision at Annexure P-12 is discriminatory and violative of Article 14 of the Constitution of India as it discriminates between “mountaineers”, who otherwise form one homogeneous class. Such an argument is being put forth on the basis that the petitioner has scaled Mount Annapurna, Nepal on 21.04.2017 and inspite thereof, he has not been released the cash incentive amount of Rs.5 lakhs.

Counsel has attempted to impress upon this Court that as opposed to the Mount Everest, scaling Mount Annapurna would carry a higher risk factor. A tabulation at Annexure P-7 has been adverted to assert

that the death rate while ascending Mount Annapurna has been quantified to be 41% as opposed to 2.85% for Mount Everest. It is accordingly contended that there would be no basis for the State of Haryana not to release to the petitioner an equivalent cash award of Rs.5 lakhs if not more for having scaled Mount Annapurna. A further submission has come forth from the counsel that a 'mountaineer' like the petitioner having scaled such a difficult peak ought also to be considered for appointment to a public post.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no intervention in the matter is warranted.

On a previous date of hearing i.e. on 27.02.2019, counsel had been directed to complete instructions and to place on record documents to substantiate that the decision taken by the Council of Ministers in the meeting held on 02.05.2013 at Annexure P-12 has actually been implemented for the State of Haryana by carrying out an amendment in the Sports Policy. No such document/material has been placed on record and neither has any been adverted to during the course of hearing today. Counsel is also unable to cite any instance of a Haryana resident having been released Rs.5 lakhs on account of having scaled Mount Everest. In other words, it is not discernible as to whether the decision taken by the Council of Ministers in the meeting held on 02.05.2013 (Annexure P-12) has actually fructified towards implementation.

Even otherwise such matters would fall within the domain of policy decision making at the hands of the competent authority. As to whether any sports person of Haryana is to be released a cash incentive

award on account of having scaled a particular peak and thereby to tax the public exchequer would be for the State Government to examine. There is no vested right in the petitioner to seek a cash award in view of his having scaled a particular mountain/summit. Even if the decision at Annexure P-12 was being implemented by the State of Haryana qua such sports persons of Haryana, who have scaled Mount Everest, the plea of discrimination cannot sustain as one of the pre-requisites would be a vested right in favour of the petitioner. As has been observed there is no such vested right.

For the reasons recorded above, no merit is found in the instant writ petition.

Dismissed.

02.12.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |