

*CWP-17919-2012 (O&M) &
other connected cases*

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CWP-17919-2012 (O&M)
Date of Decision:-15.01.2019.

Shavinder Singh

.....Petitioner

Versus

Punjab State Power Corporation Ltd., Patiala and others

.....Respondents

(2.)

CWP-1045-2014 (O&M)

Tajinder Singh

.....Petitioner

Versus

Punjab State Power Corporation Ltd., Patiala and others

.....Respondents

(3.)

CWP-1059-2014 (O&M)

Ravinder Kumar

.....Petitioner

Versus

Punjab State Power Corporation Ltd., Patiala and others

.....Respondents

(4.)

CWP-1070-2014 (O&M)

Harjinder Pal Singh and another

.....Petitioners

Versus

Punjab State Power Corporation Ltd., Patiala and others

.....Respondents

(5.)

CWP-7536-2014 (O&M)

Gurpreet Singh

.....Petitioner

Versus

Punjab State Power Corporation Ltd., Patiala and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajan Bansal, Advocate for the petitioner in CWP-17919-2012.
Mr. Manish Kumar Singla, Advocate for the petitioner(s) in CWP Nos.1045, 1059, 1070 and 7536 of 2014.

Mr. Mukul Aggarwal, Advocate and
Mr. Shubham Goyal, Advocate for
respondent Nos.1 to 7-PSPCL in CWP No.17919 of 2012 and
CWP Nos.1045, 1059 and 7536 of 2014.

Ms. Promila Nain, Advocate for the respondents-PSPCL in
CWP-1070-2014.

Mr. D.S. Patwalia, Senior Advocate with
Mr. Harmanpreet Sehgal, Advocate for
respondent Nos.8 to 14.

ARUN MONGA, J. (Oral)

1.) By this common order the above mentioned 5 writ petitions shall be disposed of as the issue involved in these writ petitions is identical.

2.) The present bunch of writ petitions have been filed by the petitioners who are sportsmen in different stream of sports viz. Volleyball, Hockey and Athletics. The petitioners based on their ability in the sports were hired on contract basis by the respondents-PSPCL and they last served on contractual basis in the year 2008, whereafter their contract was not renewed.

3.) The grievance of the petitioners is that while certain other sportsmen, who were serving on contract basis with PSPCL, were granted the benefit of regularization in the year 2011, but the case of the petitioners was overlooked. The said regularization benefit was not granted to petitioners despite the fact that they rendered 3 years of contractual service, after having been first hired in year 2005. Admittedly, as per the

record appended with the writ petitions that the petitioners were discontinued to be in contract employment after the year 2008.

4.) *Per contra* learned counsels appearing for respective respondents in these writ petitions contend that the petitioners at the relevant point i.e. year 2011, were rank strangers to their respective teams. They admittedly never played for their teams or served for the Corporation after 30.06.2008. They have, therefore, no connection with the Corporation. Accordingly, their *locus standi* to institute the present proceedings to challenge the regularization of private respondents has been vehemently objected to.

5.) On merits, it has been stated that in renewing/extending the contract of the players which ultimately led to the regularization in 2011, the sole criteria for consideration was their performance in the respective games. It has been vociferously argued that in sports, it is not the seniority but the performance of a sportsman that is to be given precedence. Accordingly, while the contract of certain sportsmen/employees was though extended after 2008 but that of certain other players was not extended. It is further stated that at the time of regularization, of course the seniority was given importance but only qua those who are in the contractual appointment at the relevant time i.e. year 2011.

6.) Having gone through the record made available with the writ petitions as also through the preliminary objections of the reply and having heard the rival contentions of both sides, I am in agreement with the objection of *locus standi* taken by the respondent-PSPCL. It is a conceded position on facts that petitioners last worked in contractual employment in

year 2011. That being the position, the present writ petitions are held to be not maintainable at the instance of the petitioners who had since long been out of employment prior to challenging the regularization process carried out by the respondents in the year 2011.

7.) Even otherwise, the petitioners have no case on merits. Concededly, based on their performance in sports they were not hired on contract anytime after year 2008. In sports, the rule of seniority as applicable in service jurisprudence cannot be applied. In sports its simple rule of “Perform or Perish”. Based on performance in their respective sports the petitioners' contracts were not renewed after year 2008. The regularization benefit was meant for and was granted to the contractual employees who were in service in year 2011. In the circumstances, I am of the opinion that the petitioners' case is bereft of any merit.

8.) Accordingly, writ petitions stand dismissed with no order as to cost.

(ARUN MONGA)
JUDGE

January 15, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.