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

**CWP-18181-2019
Date of decision : 08.07.2019**

Kartik Saluja

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Jasbir Mor, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

Notice of motion.

On asking of the Court, Mr. Harish Nain, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent(s)/State.

The petitioner in pursuance to the advertisement dated 25.08.2018 for filling up the posts of Group-D, applied for the same under Eligible Sports Persons – General Category and remained successful in written examination. The petitioner has been allotted Animal Husbandry and Dairying Department, against the post of Animal Attendant and assigned the office of Deputy Director, Animal Attendant and Dairying, Sirsa, but for want of new Sports Gradation Certificate, was not allowed to join the services. Petitioner is stated to have participated in many games/events and won Gold Medal in North Zone Inter University Cricket (Men) Championship held for the year 2011-12 at Govt. National College, Sirsa and obtained 3rd position in University Inter-College Cricket (Men)

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Championship, held between 27.09.2013 to 30.09.2013 at J.C.D. Vidyapeeth, Sirsa, thus, the petitioner is entitled for Sports Gradation Certificate and in this regard, submitted the representations dated 04.09.2018, 23.03.2019 and 17.06.2019 to the District Sports and Youth Affairs Officer, Sirsa, but no action has been taken so far.

Learned counsel for the State submitted that the case of the petitioner is covered under new policy dated 25.05.2018, as modified in November 2018 as the advertisement is dated 25.08.2018, therefore, the petitioner cannot be permitted to take the benefit of 1993 policy.

Considering the aforementioned facts and particularly, the petitioner has already been given a place of posting, in my view, the case of the petitioner would be covered under 1993 policy and not 2018 policy as the petitioner had participated in the aforementioned games/events and won Gold Medal and 3rd Position. In my view, the new policy dated 25.05.2018 would be applicable to only those persons, who participated in the events taken place after its promulgation or under certain circumstances. The last date for submissions of application was 18.09.2018, whereas the petitioner had applied for Sports Gradation Certificate, much before the last date. It is common practice amongst the aspiring candidates in not obtaining Sports Gradation Certificate and wake up only when posts are advertised.

In this view of the matter, I deem it appropriate to dispose of the present writ petition with direction to respondent No.4/District Sports and Youth Affairs Officer, Sirsa, to pragmatically consider the request of the petitioner for issuance of Sports Gradation Certificate in terms of policy dated 30.11.1993 and not of 2018 policy.

Let this exercise be done within a period of two months from

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the date of receipt of certified copy of this order, failing which, respondent No.4/District Sports and Youth Affairs Officer, Sirsa shall be liable to pay costs of ₹50,000/- to the petitioner. Condition of imposing of costs is only to prevent the petitioner to run from pillar to post and avail remedy of contempt petition, in case of non-compliance of the order.

In the meantime, the petitioner shall be allowed to join the duties subject to deposit of Sports Gradation Certificate.

08.07.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**