

CWP-18159-2019

175

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

CWP-18159-2019

Date of decision : 08.07.2019

Mushtafa

... 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, the petitioner applied for the same under Category ESP-BCB and remained successful in written examination. The petitioner has been appointed as Peon in Education Department, Haryana and assigned Government College, Hathin, Palwal, but for want of Sports Gradation Certificate, was not allowed to join the services. The petitioner had participated in 100 meters and 200 meters race in the Sangram 2016, held on 1st to 2nd March 2016, at Satya College of Engineering and Technology, Palwal and obtained 3rd Rank/position in both the games, thus, the petitioner is entitled for Sports Gradation Certificate and in this regard, submitted representations dated 22.01.2019, 19.03.2019

CWP-18159-2019

and 28.06.2019 to the District Sports and Youth Affairs Officer, Palwal, 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 game/event held in 2016-17. The attention of this Court, during the course of hearing, was also drawn to the vernacular document dated 08.05.2019 (Annexure P-16), whereby issuance of Sports Gradation Certificate has been withheld owing to the new policy. I am of the view that the new policy dated 25.05.2018 would be applicable to only those persons, who have 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 i.e. 14 days before 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, Palwal, shall 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.

CWP-18159-2019

Let this exercise be done within a period of two months from the date of receipt of certified copy of this order, failing which, respondent No.4/District Sports and Youth Affairs Officer, Palwal 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**