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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28432-2019

Date of decision : 01.10.2019

Rohit Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Pawandeep Singh, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

Notice of motion.

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

The petitioner has approached this Court under Articles 226/227 of the Constitution of India for issuance of writ in the nature of certiorari for quashing the impugned instruction dated 24.07.2019 (Annexure P-10) issued by respondent No.1 and further writ of mandamus directing the respondent No.4 to decide the representation dated 09.09.2019 (Annexure P-11).

Learned counsel for the petitioner submits that the petitioner was appointed to the post of Peon in the office of Municipal Corporation, Faridabad under Eligible Sports Person-Scheduled Caste Category and joined his duties, but owing to non-submission of Sports Gradation

Certificate, services of petitioner was ordered to be dispensed with. Petitioner participated in the Navodaya National Kabaddi Meet 2016-17 held at JNV Vidisha from 1st to 3rd September 2016, which is also covered under New Sports Policy of 2018, but despite that Sports Gradation Certificate has not been issued so far and in this regard, submitted representation dated 09.09.2019 (Annexure P-11), but there is no adherence thereto, thus, are seeking indulgence of this Court for issuance of a writ in the nature of certiorari quashing the action of the respondents, whereby the services of petitioners have been terminated orally in violation of the law settled by Hon'ble the Supreme Court and further writ of mandamus directing the respondents to reinstate the petitioners in service with all consequential benefits.

Without going into the merits and demerits of the claim of the petitioner, I deem it appropriate to direct respondent No.4, District Sports Officer, Panipat, Haryana, to consider the representation dated 09.09.2019 (Annexure P-11), within a period of two months from the date of receipt of certified copy of this order and shall pass a speaking order thereon after affording opportunity of hearing to petitioner and taking into consideration judicial precedents as well, failing which, respondent No.4, shall be liable to pay costs of ₹25,000/- to petitioner. In case, petitioner is found to be eligible for issuance of Sports Gradation Certificate, the same shall be issued within one week thereafter.

However, till then, services of petitioner shall not be dispensed with.

This condition of imposing costs is only to prevent petitioner to

run from pillar to post and avail remedy of contempt in case of non-compliance of directions issued by this Court.

The writ petition stands disposed of with the above direction.

01.10.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No