

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.5882 of 2020

Date of Decision:16.03.2020

Amjyot Singh

.....Petitioner

Versus

Union of India and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vikas Chatrath, Advocate
for the petitioner.

Mr. N.K.Vashisht, Advocate
for respondent no.1-UOI.

Mr.S.S.Narula, Advocate
for respondent no.3.

LISA GILL, J(Oral).

This writ petition has been filed challenging order dated 26.12.2019 (Annexure P-8), whereby the petitioner along with three other sports persons have been proceeded against on the basis of a report submitted by the Disciplinary Committee of the Basketball Federation of India in respect to an incident which took place on 06.11.2019 at Bengaluru. The petitioner has been banned for a period of three years from 26.12.2019 to participate in any of the basketball tournaments/ matches/ championships failing under the purview/affiliated/permitted by the Basketball Federation of India, in India as well as abroad.

Aggrieved therefrom, present writ petition has been filed alleging that principles of natural justice have not been observed before passing the impugned order.

Written statement on behalf of respondent no.3, with a copy thereof to learned counsel for the petitioner, filed in Court today, is taken on record subject to just exceptions.

Learned counsel for respondent no.3, raises a preliminary objection *qua* maintainability of this writ petition as the petitioner, it is stated has an alternate efficacious remedy of filing an appeal before the President, Basketball Federation of India. Reference is made to Basketball Federation of India Internal Guidelines and Regulations, attached as Annexure R3/1 with the written statement.

It is submitted that the petitioner has not revealed the availability of appeal in the writ petition while stating that there is no such remedy available with him. It is further submitted that the occurrence in question had taken place at Bangaluru and the head office of the Basketball Federation of India, is in New Delhi, therefore this writ petition is not maintainable before this Court.

Though, learned counsel for the petitioner, submits that despite specific requests (Annexures P-9 and P-10), the petitioner was never intimated about the availability of any remedy available to him, it cannot be denied that an efficacious remedy of appeal is indeed available to the petitioner.

Keeping in view the availability of the remedy of appeal, learned counsel for the petitioner, at this stage, submits that liberty be afforded to the petitioner to file an appeal before the learned Appellate Authority, however, the ground of the appeal being time barred, if at all, be not raised against him.

Mr. S.S.Narula, Advocate, for respondent no.3 submits that in case, the appeal is filed within one week, the question of limitation, shall not be raised by the said respondent and the petitioner shall also be afforded an opportunity of personal hearing before the appellate authority.

Keeping in view the facts and circumstances as above and the

stand of the parties, the petitioner is afforded liberty to avail the remedy of appeal available to him. In case, the appeal is filed within one week of receipt of certified copy of this order in terms of the provisions relied upon by respondent no.3, the same be not rejected on the ground of limitation. Liberty of personal hearing be also afforded to the petitioner and his appeal be decided expeditiously by passing a speaking order. It is clarified that there is no expression of any opinion on the merits of the case, as well as the jurisdiction of this Court to entertain the matter.

Writ petition is accordingly disposed of.

16.03.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.