

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CWP-364-2021 (O&M)

Date of decision: 26.02.2021

Haryana Olympic Association

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Pardeep Singh Poonia, Advocate
for the petitioner.

Shri Baldev Raj Mahajan, Advocate General, Haryana with
Mr. Sandeep Moudgil, Additional AG, Haryana.
for respondents No.1 to 3.

Mr. Ruchir Mishra, Advocate and
Mr. Nitin Jain, Advocate
for respondent No.4.

Mr. Rose Gupta, Advocate for the applicant in CM-622-2021.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on
account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Haryana Olympic Association, has filed the present
petition *inter alia* with a prayer for issuance of a writ in the nature of certiorari
for quashing of the impugned letter dated 30.12.2020 (Annexure P-13) and
reference dated 30.12.2020 (Annexure P-14), issued by respondent No.2.

Records of the case show that vide order dated 08.01.2021, notice
of motion was issued. Considering the urgency, the respondents were granted

time to file short reply. Thereafter, on 11.02.2021, this Court passed the following order:-

“Petitioner Haryana Olympic Association through its President Paramvir Rathee, has filed the present writ petition inter alia with a prayer to quash impugned letter dated 30.12.2020 (Annexure P-13) and reference dated 30.12.2020 (Annexure P-14) issued by respondent No.2, along with further prayer to direct the respondents not to appoint an administrator/adhoc committee over petitioner association and to allow the present governing body/adhoc committee to continue till elections to new governing body are held.

Learned counsel for the petitioner by making reference to the pleadings in the petition submits that the brief facts relevant in the present case are that the petitioner Association is affiliated with the Indian Olympic Association i.e. respondent No.4. It is then submitted that in 1987, the Society was registered in accordance with law. There is some chequered history regarding the events in between, however, it is briefly mentioned that in 2007, Mr. R.S. Jowel, IAS, was appointed as an Administrator. As per the orders of the Administrator, in the year 2008, Hon'ble Mr. Justice G.C. Garg (Former Judge of this Court) was appointed as Returning Officer for elections of the Society. In 2008, Mr. P.V. Rathee was elected as the President of the Society and after tenure of four years, in 2012, he was again elected as President. In 2016, i.e. after 4 years, he was once again elected as the President. He then submits that on 03.09.2020, election schedule was issued and date for the election was also fixed as 19.09.2020. However, due to COVID-19, vide letter dated 10.09.2020 (Annexure P-8), it was advised that the election should be postponed and accordingly, the same

was postponed. It is briefly noticed here that the grievance of the petitioner in the present petition is regarding the issuance of impugned letter dated 30.12.2020 (Annexure P-13) and reference dated 30.12.2020 (Annexure P14). It has been further prayed that respondents be restrained from appointing Administrator/Adhoc Committee over petitioner association and to allow the present governing body/adhoc committee to continue till elections of new governing body are held.

Records of the case show that on 08.01.2021, notice of motion was issued.

In response thereto, reply has been filed on behalf of respondents. In the reply, filed by Sh. Gaurav Sharma, District Registrar, Firms and Societies, Panchkula, on behalf of respondents No.1 to 3, it has been inter alia submitted that as per Section 33 (3) of the Haryana Registration and Regulation of Societies Act, 2012 (hereinafter referred to be as 'the Act') "The tenure of the Governing Body shall not exceed three years". It is the case of the respondents that term of governing body of the petitioner society expired in 2019. No fresh elections of governing body were held within statutory period prescribed and as per provisions of Section 39 (10) of the Act, the District Registrar has to constitute Adhoc committee or appoint a Administrator to manage affairs of the society. The technical objection has also been taken that the petitioner has an alternative remedy of filing appeal before the Registrar General, Firms and Society Haryana. There are other objections also taken by the respondents inter alia regarding the non furnishing of the Annual Audit statements and also the fact that infact two factions are working in contrary directions.

However, this Court finds that both the petitioner as well as the respondents based on their pleadings ultimately

aimed to get the elections of the petitioner association conducted.

This Court had put it to the counsel for the petitioner as to if they have any objection if this Court appoints a retired High Court Judge as an Observer to conduct the elections.

Learned counsel for the petitioner submits that the petitioner would not have any objection to the same.

Learned State counsel submits that he needs short accommodation to seek instructions from the respondents. He, however, makes a request that if the government agrees with the proposal i.e. to get the elections conducted by an Observer (retired Hon'ble Judge of this Court), then the issue of membership and other issues connected with the elections be also decided by the said Observer.

This Court has no hesitation in issuing such a direction.

List on 16.02.2021 for further consideration and final disposal.

Let the State make its stand clear on the above issue.”

Today, on the resumed hearing of the case, learned Advocate General, Haryana, appearing for the respondents, submits that the respondents would have no objection in appointment of retired Hon'ble Judge of this Court as Administrator. He further submits that the retired Hon'ble Judge, in his capacity as Administrator, be also requested to take up and examine all the issues including any objections if any filed by any party and decide the same in accordance with law.

In view of the facts noticed and reasons recorded above, no further orders are called for in the pending Civil Miscellaneous Application(s).

All the parties are at liberty, if so advised, to raise any objection connected with the issue before the Administrator who may proceed to pass orders in accordance with law.

Accordingly, in view of the peculiar facts and circumstances as noticed above, the present writ petition is disposed of with the following directions:-

- (i) Hon'ble Mr. Justice H.S. Bhalla (Former Judge of this Court), is appointed as Administrator by this Court with the consent of the parties.
- (ii) The Administrator is further at liberty to take up the issues/objections if any, raised by the concerned authorities and decide the same in accordance with law.
- (iii) The Administrator is further requested to expedite the process of holding elections and under his supervision he may finalise the election process as expeditiously as possible, maximum within a period of **three** months. In the whole process, the Administrator is also at liberty to appoint any technical person or the Government official to assist him in the process.
- (iv) The Administrator is also at liberty to look into the day to day affairs of the Association.
- (v) The Administrator is free to decide his own remuneration to be paid to him depending on the workload.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

26.02.2021
anju rani

Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No