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

**CWP No.24082 of 2021 (O&M)
Date of Decision: 10.12.2021**

**HAR GYMS WELFARE ASSOCIATION AND OTHERS
.....Petitioners**

Vs

**HARYANA OLYMPICS ASSOCIATION AND OTHERS
.....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. B.S. Rana, Sr. Advocate with
Mr. Nayandeep Rana, Advocate
for the petitioners.

Mr. Harkesh Manuja, Advocate
for respondents No.1 to 3.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, Asstt. A.G., Haryana.
for respondents No.4 to 7.

RAJ MOHAN SINGH, J.(Oral)

1). Petitioners have preferred this writ petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction especially in the nature certiorari for quashing the impugner order, public notice, election schedule and tentative voters list dated 10.11.2021 in respect of election to the governing body of the Haryana Olympic Association.

2). Notice of motion was issued on 29.11.2021 and notice regarding stay qua reliance of unapproved amendments was also issued. The contentions of learned counsel for the petitioners were elaborately noticed in the aforesaid order dated 29.11.2021. For ready reference, the order dated 29.11.2021 is reproduced as under:-

“[1]. Learned counsel for the petitioners submits that in view of checkered background of the case, since the term of the Governing Body of the Haryana Olympic Association had expired on 12.11.2020, therefore, Sh. Sandeep Vermani was appointed as Returning Officer for conducting fresh election vide communication dated 26.08.2020. The Returning Officer had also issued election schedule for the election of the Governing Body on 03.09.2020. The elections were to be held on 19.09.2020. Due to the extra-ordinary situation arising out of COVID-19 pandemic, the term of the Governing Body was extended by the Registrar General of Societies vide order dated 08.07.2020 for three months and the election was postponed till 15.01.2021. After lifting of lock down, election schedule was again issued on 27.12.2020 from the stage it was postponed on 11.09.2020. The District Registrar vide order dated 30.12.2020 stayed the entire election process till further orders due to the reference made by the District Registrar vide order of even date to the State Registrar. The reference was in the context of complaints filed by the District Olympic Associations at different places in Haryana for the irregularities and violation of provisions of HRRS Act, 2012 in the adopted process of the elections in Haryana. The decision of the District Registrar making reference and staying election process was assailed by

Haryana Olympic Association in CWP No.364 of 2021. The said writ petition came up for hearing on 26.02.2021 and was 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 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 the paid to him depending on the workload.”

[2]. Learned counsel further submits that vide direction No.(ii) passed in the aforesaid case, the Administrator was held entitled to take up the objections, if any, raised by the concerned authorities and decide the same in accordance with law. A period of three months was given to the Administrator to complete the entire process of election. During currency of three months, the Administrator was appointed as Chairman of Law Commission, Haryana by the State Government and that prompted the Haryana

Olympic Association to file an application in the nature of review for recalling the order dated 26.02.2021. On the other hand, the Administrator also filed an application for extension of period by six months. CM No.7596-CWP of 2021 filed by the Haryana Olympic Association was dismissed and CM No.7342-CWP of 2021 filed by the Administrator was allowed vide order dated 29.07.2021 passed by the High Court.

[3]. Thereafter, the Administrator issued public notice, requiring eligible members of the Association to furnish the following information:-

“1. Copy of registration certificate issued by District Registrar, Firm & Societies.

2. Copy of affiliation certificate issued by Federation/National Sports Body.

3. Copy of proceedings for last election conducted by Unit/Association.

4. List of members of governing body & members as latest updated.

5. Information regarding State championships held by Unit/Association in last four years.

6. Copy of Judgment/Order if any courts of law in support of your claim/membership/affiliation, if any.”

[4]. Petitioners ventured to file CWP No.17408 of 2021 against the aforesaid public notice, challenging the same on the ground of its being violative of constitution of Haryana Olympic Association. The aforesaid writ petition was disposed of when learned Additional Advocate General on instructions from the Administrator submitted before the

Court that the representation filed by the petitioners would be considered by the Administrator in accordance with law. Two day's time was given to the petitioners for filing such representation. The writ petition was disposed of vide order dated 08.09.2021. The petitioners filed objections in compliance of the order dated 08.09.2021 on 08.09.2021 itself through e-mail. The said objections have not been decided so far.

[5]. Learned counsel further submits that during the intervening period, bye-laws of Haryana Olympic Association were sought to be amended. Amendment in the bye-laws were made vide order dated 02.11.2021 under Section 27 of the HRRS Act, 2012. The aforesaid proposed amendment came to be incorporated during currency of objections filed by the petitioners in compliance of order dated 08.09.2021. The proposed amendment is being made on the basis of complaint/petition No.1033 of 2021 filed by the Haryana Gymnastic Sangh and others under Section 27 of the HRRS Act, 2012 before the State Registrar.

[6]. Learned counsel further submits that the proposed amendments have not been approved by the General Body of Haryana Olympic Association under Section 27 of the HRRS Act and the proposed amendments were only proposed amendments as on date. Even on the basis of these proposed amendments tentative voter list has been prepared thereby including those personalities, who were not even members of the Haryana Olympic Association earlier. No objections were invited from all the stakeholders for carrying out the amendments in the bye-laws. Now the Returning Officer has issued schedule for conducting election on 12.12.2021 and 06.12.2021 is the date fixed for finalization and fixation of electoral roll by the Returning

Officer.

[7]. Notice of motion for 05.12.2021. Notice re: stay qua reliance of unapproved amendments.

[8]. On asking of the Court, Mr. Ashish Yadav, Addl. A.G., Haryana accepts notice on behalf of respondents No.4, 5, 6 & 7 and seeks time to respond to the aforesaid contentions raised by the petitioner.

[9]. To be shown in urgent list.”

3). Learned counsel for the respondents submit that in respect of plea of unapproved amendments, learned counsel for the petitioners has placed reliance upon letter memo No.DDFS/PKL/2271 dated 09.11.2021 which is a forwarding letter in respect of order dated 02.11.2021 passed by respondent No.5-State Registrar of Societies, Haryana.

4). In the pleadings in terms of Sub-para no.xxiii of Para No.3 on page no.23, following recital has been made by the petitioners:-

xxiii. That it is further respectfully submitted that the petitioners have been illegally ousted from the general body of the HOA-respondent no.1 as is clear from a bare perusal of annexure P-22, the tentative voters list by the respondents while placing reliance upon a order dated 02.11.2021 passed by State Registrar of Societies-respondent no.5 in connivance with respondent no.2 as earlier stated. Copy of order dated 02.11.2021 is annexed herewith as ANNEXURE P-23. A bare perusal of this order shows that it has proposed some amendments on the lines of information sought by public notice dated 15.08.2021 (annexure P-17), including that of pertaining to membership

eligibility in the Bye-Laws/Constitution of the HOA and apparently has been passed under Section 27 of the Act on a reference made by respondent no.6- District Registrar vide letter dated 30.12.2020, copy of which is annexed herewith as Annexure P-24. But his letter dated 09.11.2021 speaks otherwise and fully exposes their game plan. Copy of the constitution/Bye Laws of the association (HOA) is annexed herewith as ANNEXURE P-25.

It is further respectfully submitted that until and unless such proposal of amendments is approved by the general body, it cannot be pressed in to service for any propose what so ever.

It is further respectfully submitted that Hon'ble Industry Minister in charge of officers including State Registrar of Societies appointed under the Act, namely Sh. Dushyant Chautala is one of the beneficiaries as under his president ship, Haryana Table Tennis Association has been granted affiliation to the HOA for the first time by respondent no.2 by applying said proposed amendments and thus name of his association along with many such others who are favourites of the present day government of the state, finds mentioned in the impugned tentative voters list for election to the governing/executive committee of HOA.”

5). Perusal of the aforesaid pleadings would show that the order dated 02.11.2021 was very much in the knowledge of the petitioners as they have pleaded that the order dated 02.11.2021 is attached with the writ petition as Annexure P-23. However record of the case would show that no such order has been attached nor assailed in any manner. Rather Annexure

P-23 is the copy of proposed amendments which are claimed to be not approved by the competent authority.

6). Learned Senior counsel for the petitioners seeks to challenge the order dated 02.11.2021 passed by the State Registrar of Societies, Haryana on several grounds which cannot be appreciated in the absence of any challenge made to the aforesaid order.

7). Grievance of the petitioners, if any, in respect of amendments can only be appreciated in case the aforesaid decision dated 02.11.2021 passed by respondent No.5-State Registrar of Societies, Haryana is challenged in an appropriate forum in accordance with law.

8). In view of aforesaid position, I deem it appropriate not to interfere in this writ petition. The same is dismissed. Petitioners, if so, advised may challenge the order dated 02.11.2021 in accordance with law.

December 10, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No