

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

CWP NO. 2703 OF 2022

DATE OF DECISION: 14.02.2022

Sanjay Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jasbir Singh Mor, Advocate,
For the petitioner.

Mr. Vivek Chauhan, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner, herein, *inter alia*, seeks issuance of a writ in the nature of certiorari to quash the impugned order dated 06.01.2021 (Annexure P-5), vide which services of petitioner have been terminated for not submitting the Sports Gradation Certificate.

2. Learned counsel for the petitioner submits that petitioner was selected under ESP (General category) Quota after due selection process and he was also issued appointment letter dated 28.01.2019 (Annexure P-2) for the post of Beldar.

3. He further submits that Chief Secretary, Government of Haryana issued instructions dated 24.07.2019 instructing that all selected and appointed group 'D' sports candidates are required to submit revised sports gradation certificates by 31.12.2020, duly issued in terms of the new sports policy dated 25.05.2018 (Annexure P-9). Petitioner was issued Sports Gradation Certificate on 06.01.2022 (Annexure P-10). He could not thus submit the same within the

prescribed period. In the interregnum, services of the petitioner were terminated vide order dated 06.01.2021 (Annexure P-5) for no fault of his.

4. Learned counsel submits that other writ petitions involving same questions of law and fact are pending adjudication before this Court, as reflected from orders passed therein at Annexures P-13 and P-14. He seeks interim protection on the impugned termination order on parity with the similarly situated petitioners in the aforesaid pending writ petitions.

5. He further contends that as per Chief Secretary, Government of Haryana, circular instructions dated 10.11.2020 (Annexure P-4), the department was under obligation to intimate the petitioner to submit the revised sports gradation certificate till 31.12.2020, whereas the petitioner was not sent any written communication for the needful. The petitioner applied for the revised sports gradation certificate in the game of Yoga, but the same was not issued by saying that the same does not cover under the Sports Policy. Notwithstanding, the revised certificate was not provided to the petitioner by the competent authority and it was orally informed to the petitioner that after 31.12.2020, no sports gradation certificate in terms of Govt. instructions dated 10.11.2020 could be issued to the selected candidates. However, the same was received belatedly on 06.01.2022 for no fault of the petitioner. On the other hand, his services have been terminated ostensibly on the ground that he did not submit the revised certificate.

6. Learned State counsel, on advance service, joins proceedings and opposes the petition on the ground that case of the petitioner is still pending with competent authority for taking an administrative decision on the same.

7. At this stage, learned counsel for the petitioner states that let a final decision be taken, either way, by the competent authority by treating the writ petition as a representation, giving reasons thereof.

8. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

9. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner and also by keeping in view the contentions raised in the present petition by treating the same as a representation and take a decision, in accordance with law.

10. Let the needful be done expeditiously, but not later than 30 days from today, since the petitioner continues to be out of job since January, 2021. In case a favourable order is passed, the petitioner's services shall be restored forthwith.

11. Disposed of accordingly.

FEBRUARY 14, 2022
Shalini

(ARUN MONGA)
JUDGE

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