

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

CWP-3719-2021 (O&M)
Date of Decision: 20.09.2022

Shri Om	Versus	Petitioner
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jasbir Mor, Advocate
for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus for directing respondent No.3-District Sports and Youth Affairs Officer, Jhajjar to issue Sports Gradation Certificate to the petitioner and for directing respondents No.4 & 5 not to terminate the services of the petitioner on account of non-submission of Sports Gradation Certificate up to 31.12.2020, relying on instructions dated 10.11.2020.

2. While issuing notice of motion to the respondents, interim order was passed in favour of the petitioner directing the respondents not to dispense with services, given that he had been in service for long enough durations and had submitted the requisite certificates, but the same was not acceded by the Department.

3. During pendency of the writ proceedings, it transpires that fresh clarification/instructions dated 10.05.2022 (copy of which has been tendered in course of hearing, which is taken on record and marked as Annexure 'A') have been issued by the office of Chief Secretary

addressed to all the Administrative Secretaries in the State as well as the Heads of the Departments/ Managing Directors/ Chief Administrators of all the Boards/Corporations/ Divisional Commissioners Deputy Commissioners. Relevant part of said letter is as below:-

“4. In view of above, Government has considered the matter and it is directed to all departments/ boards/ corporations that the candidates who submit the Sports Gradation Certificates issued before 31.03.2022 may be re-appointed subject to the following terms & conditions:-

- i) Sports Gradation Certificate should have been issued as per the Sports Policy dated 25.05.2018 and the games/ achievements/ tournaments should have been played before the closing date of submission of application for Group-D post i.e. 18.09.2018.*
- ii) Sports Gradation Certificate shall be verified from the Sports & Youth Affairs Department for which department/ board/ corporation concerned will send the Gradation Certificate to Sports Department before re-appointment and also intimate to the Haryana Staff Selection Commission.*
- iii) Sports Gradation Certificate issued on the basis of different games/ tournament can also be considered in view of Hon'ble High Courts' dated 09.10.2020 in CWP No.19524 & 22829 of 2019 subject to verification of Gradation Certificate from the Sports & Youth Affairs Department and such game/ tournament should have been played before the closing date of submission of application of Group-D i.e. 18.09.2018.*

5. These instructions may be brought to the notice of all concerned for strict compliance in letter and in spirit.”

4. A perusal of the aforesaid reflects that all the candidates who are already in service have been across board given opportunity to provide their Sports Gradation Certificates, as aforesaid.

5. In the premise, nothing survives for adjudication before this Court since opportunity has been given to all regardless whether or not the earlier Sports Gradation Certificates were before the cut-off date or not.

6. Writ petitions is disposed of, with the expectation that the respondents shall take a decision on the pending application of the petitioner for issuance of Sports Gradation Certificates in accordance with the instructions *ibid* and pass appropriate fresh orders in accordance with law. Needless to say, petitioner shall be allowed to continue in service till passing of the fresh orders. Respondents would do better in their own interest to pass orders as expeditiously as possible in order to avoid needless litigation.

7. Till the decision is taken on the pending application, the petitioner shall be allowed to continue subject to the outcome thereof. In case of any adverse order, he shall be given 30 days' time to seek his remedy as available in law.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 20, 2022
ashish

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No