

201-1  
IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Date of decision: September 07, 2022  
1. CWP-8094-2021 (O&M)

Vijit Gaurav  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

2. CWP-9308-2021 (O&M)

Pawan  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

3. CWP-3603-2021 (O&M)

Angrej Singh  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

4. CWP-4603-2021 (O&M)

Jitender  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

5. CWP-5841-2021 (O&M)

Rajesh Kumar  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

6. CWP-9868-2021 (O&M)

Sandeep Kaur

.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**7. CWP-17530-2021 (O&M)**

Aman Kumar and another  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**8. CWP-16565-2021 (O&M)**

Lovedeep Kumar  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**9. CWP-24079-2021 (O&M)**

Vishal Sihmar  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**10. CWP-1167-2022 (O&M)**

Ankit  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**11. CWP-8656-2022 (O&M)**

M Sabir Hussain  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**12. CWP-9242-2022 (O&M)**

Sunil and another  
.....Petitioner(s)

State of Haryana and others  
versus  
.....Respondents

**13. CWP-7313-2022 (O&M)**

Kashmiri Lal  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**14. CWP-7372-2022 (O&M)**

Nirmala Devi  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**15. CWP-91-2021 (O&M)**

Sukhpal Singh  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**16. CWP-1331-2021 (O&M)**

Anju Rani and another  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**17. CWP-3261-2021 (O&M)**

Mukesh Kumar  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**18. CWP-5823-2021 (O&M)**

Sandeep Kumar  
.....Petitioner(s)  
versus

State of Haryana and others  
.....Respondents

**19. CWP-22799-2020 (O&M)**

Sunita  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**20. CWP-10906-2021 (O&M)**

Naveen Kumar  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**21. CWP-1109-2021 (O&M)**

Sanjay Kumar  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**22. CWP-16589-2021 (O&M)**

Bindia alias Bindiya  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**23. CWP-19355-2021 (O&M)**

Vikram  
.....Petitioner(s)  
versus  
State of Haryana and others  
.....Respondents

**24. CWP-9704-2021 (O&M)**

Gurmukh Singh  
.....Petitioner(s)  
versus  
State of Haryana and others

.....Respondents

**25. CWP-3260-2021 (O&M)**

Mukesh

.....Petitioner(s)

versus

State of Haryana and others

.....Respondents

**26. CWP-12393-2021 (O&M)**

Amit Kumar

.....Petitioner(s)

versus

State of Haryana and others

.....Respondents

**27. CWP-12186-2021 (O&M)**

Sunil Dhull

.....Petitioner(s)

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. R.K. Malik, Senior Advocate with  
Mr. Sandeep Dhull, Advocate for the petitioner(s)  
in CWP-3603-2021.

Mr. Jasbir Mor, Advocate,  
Mr. Govind Mor, Advocate for the petitioner(s)  
in CWP-8094-2021, CWP-9868-2021,  
CWP-24079-2021, CWP-17530-2021, CWP-91-2021,  
CWP-1331-2021, CWP-22799-2020, CWP-5823-2021,  
CWP-3260-2021, CWP-3261-2021, CWP-12393-2021.

Mr. Bhisham Kumar Majoka, Advocate  
for the petitioner(s) in CWP-1109-2021.

Mr. Lakhan Paul Garg, Advocate for  
Mr. Jagjit Singh Gill, Advocate  
for the petitioner(s) in CWP-16565-2021, CWP-9242-2022,  
CWP-7313-2022, CWP-7372-2022, CWP-16589-2021,  
CWP-9704-2021.

Mr. Sarthak Gupta, Advocate for the petitioner(s)

in CWP-9308-2021, CWP-4603-2021, CWP-5841-2021.

Mr. Devender Punia, Advocate for the petitioner(s)  
in CWP-19355-2021.

Mr. Sukhdeep Singh, Advocate,  
Mr. Parminder Singh, Advocate, for the petitioner(s)  
in CWP-1167-2022.

Mr. M.I. Khan, Advocate for  
Mr. Mazlish Khan, Advocate for the petitioner(s)  
in CWP-8656-2022.

Mr. G.S. Gopera, Advocate for the petitioner(s)  
in CWP-10906-2021.

Mr. Gaurav Rana, Advocate for the petitioner(s)  
in CWP-12186-2021.

Mr. Pankaj Middha, Additional AG Haryana.

Mr. Namit Khurana, Advocate  
for respondent No.9 in CWP-1331-2021.

Ms. Pinki Mehla, Advocate for  
Mr. Pawan Attri, Advocate  
for respondent-Haryana Sports Karate Federation  
in CWP-1331-2021.

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**ARUN MONGA, J. (ORAL)**

Vide this common order, bunch of above-mentioned writ petitions are being disposed of, since not only the facts but the law points and the issues raised therein are also similar. For brevity, recitals are taken from CWP-8094-2021.

2. Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 05.03.2021 (Annexure P-18) terminating the services of the petitioner from the post of Peon by respondent No.4-Director General, Employment Department, Haryana for not submitting the Sports Gradation Certificate upto 31.12.2020 in terms of

judgment dated 09.10.2020 (Annexure P-10) and Govt. instructions dated 10.11.2020 (Annexure P-11) and relieving him from duties on 05.03.2021 (Annexure P-19), allegedly being illegal, arbitrary, void, discriminatory and violative of Articles 14 and 17 of the Constitution of India.

3. Petitioners in the above bunch of petitions are before this Court aggrieved against their respective Departments for terminating/ dispensing with their services for either non-submission of their Sports Gradation Certificates and/ or late submission thereof as per cut-off date before which they were required to furnish their certificates.

4. While issuing notice of motion to the respondents, interim orders were passed in favour of the petitioners (except in CWP-17530-2021 and CWP-24079-2021) directing the respondents not to dispense with their services, given that they had been in service for long enough durations and had submitted the requisite certificates, but the same were not acceded by the Department.

5. During pendency of the writ proceedings, it transpires that fresh clarifications/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.”*

6. 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.

7. 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.

8. Writ petitions are disposed of, with the expectation that the respondents shall proceed with verification of the Sports Gradation Certificates in accordance with the instructions *ibid* and pass appropriate fresh orders in accordance with law. Needless to say petitioners 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.

9. My attention has been drawn to the fact that in some of the cases though petitioners have submitted their applications in the Sports Department for issuance of the Sports Gradation Certificates but for no fault of theirs, neither Certificates have been issued nor any reasons are being conveyed *qua* pendency of their applications. Accordingly, Director General of Sports and Youth Affairs, Haryana, who is represented by the learned State counsel, may look into those pending cases and instruct his officials to pass appropriate orders *qua* the same so that those of the candidates, who are entitled to the benefit of the Chief Secretary's instructions *ibid*, can avail the same.

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

(ARUN MONGA)  
JUDGE

**September 07, 2022**  
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No