

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

CWP No. 8851 OF 2022

DATE OF DECISION: 28.04.2022

Rinku

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Sharan Sethi, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner has approached this Court seeking quashing of impugned order dated 25.01.2021 (Annexure P-6), whereby services of the petitioner as Helper Welder (Group D) were dispensed with for not submitting Sports Gradation Certificate upto 31.12.2020 under new Sports Policy dated 25.05.2018 (Annexure P-13). Further prayer has been made to reinstate the petitioner into service.

2. On 25.08.2018, respondent-Haryana Staff Selection Commission (hereinafter referred to as "Commission") advertised 18218 posts of Group D. Petitioner, being eligible, participated in the selection process and he qualified in the same. He was placed in merit list under ESP-General category and his name was recommended to State Transport Department, Haryana. Petitioner was appointed on the post of Helper Welder vide order dated 22.02.2019. Later Government of Haryana issued instruction dated 24.07.2019 that candidates appointed on the post of Group D shall submit Sports Gradation Certificate under Sports Policy

dated 25.05.2018 otherwise their services will be terminated. Petitioner approached the District Sports and Youth Officer, Sonipat for issuance of Gradation Certificate but the department did not issue the same, resulting into termination of services of petitioner. The said certificate was issued to the petitioner on 01.10.2021.

3. The petitioner filed representation dated 21.03.2022 (Annexure P-16) but the same has not been adverted till date. Hence the petition.

4. 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.

5. 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.

6. Without commenting on the merits of the case, the instant writ petition is allowed. The impugned order dated 25.01.2021 (Annexure P-6) is hereby set-aside. The respondents are directed 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 decide the same by passing a fresh speaking order, in accordance with law.

7. Let the needful be done within 60 days from today.

8. Disposed of accordingly.

APRIL 28, 2022
Shalini

(ARUN MONGA)
JUDGE

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