

201-2

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

Date of decision: September 07, 2022

1. CWP-9949-2021 (O&M)

Rakesh Kumar

.....Petitioner(s)

versus

State of Haryana and others

.....Respondents

2. CWP-1493-2022 (O&M)

Deepak Kumar and others

.....Petitioner(s)

versus

State of Haryana and others

.....Respondents

3. CWP-2113-2022 (O&M)

Sohan Singh and others

.....Petitioner(s)

versus

State of Haryana and others

.....Respondents

4. CWP-8657-2022 (O&M)

Mohan Lal

.....Petitioner(s)

versus

State of Haryana and others

.....Respondents

5. CWP-95-2021 (O&M)

Chetan Gahlot

.....Petitioner(s)

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jasbir Mor, Advocate,
Mr. Govind Mor, Advocate for the petitioner(s)
CWP-9949-2021, CWP-2113-2022, CWP-95-2021.

Mr. Vikram Sheoran, Advocate for the petitioner(s)
in CWP-1493-2022.

Mr. Shakti Mehta, Advocate for the petitioner(s)
in CWP-8657-2022.

Mr. Pankaj Middha, Additional AG Haryana.

Mr. Namit Khurana, Advocate
for respondent No.6 in CWP-95-2021,
for respondent No.8 in CWP-2113-2022.

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 No.9949-2021.

2. Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 31.12.2020 (Annexure P- P-13) passed by respondent No.3-Deputy Director, Agriculture and Farmers Welfare, Sirsa terminating the services of the petitioner for not submitting the Sports Gradation Certificate upto 31.12.2020 under the Sports Policy dated 25.05.2018 in terms of Govt. instructions dated 10.11.2020 (Annexure P-9) allegedly being illegal, arbitrary, void, discriminatory and violative of Articles 14 & 16 of the Constitution of India.

3. Interim order dated 19.05.2021 was passed by this Court directing that *qua* the petitioner, the impugned termination order shall remain stayed. Controversy involved in this bunch of petitions is no more *res integra* as the same has already been dealt with by me on an earlier occasion. I need not labour all over again. Reference, in this regard, may be had to my judgment/ order dated 13.05.2022 rendered in **CWP-21776-2020** titled **Ashish Kumar and**

others versus State of Haryana and others. Relevant portion of the same is extracted herein below:

“6. Be that as it may, in this backdrop, Haryana Athletic Association also instituted an independent writ petition bearing CWP No. 4259 of 2022 before this Court. The same was disposed of by my learned brother Raj Mohan Singh, J., commanding the Director of Sports, State of Haryana to accord an opportunity of hearing to Haryana Athletic Association and all other stakeholders and after inviting objections etc. to take necessary decision qua the recognition/de-recognition of the Haryana Athletic Association. For ready reference, the operative part of the order ibid, is reproduced herein below:

“Having considered the issue on the basis of submissions made by learned counsel for the parties, I deem it appropriate to dispose of this writ petition with a direction to respondent No.2 to accord full opportunity of hearing to the petitioner and its members, if they wish to come forward by way of objections. Respondent No.2 shall also disclose the reasons for passing the impugned order and after granting reasonable opportunity of hearing to the petitioner and other stakeholders, necessary decision shall be taken. Respondent No.2 shall also consider the feasibility of granting more opportunities to the petitioner and its members in order to facilitate them to supplement their objections.

In view of aforesaid facts and circumstances of the case, rigour of order dated 07.01.2022 shall not applied to the proceedings before respondent No.2. ”

7. Perusal of the aforesaid reveals that an earlier administrative order dated 07.01.2022, vide which the Director Sports had issued instructions to various District Sports Officers to cancel all the Gradation Certificates issued to various players/athletes, who had been accorded the benefit of recommendations given by the Haryana Athletic Association, were directed to be put on hold by learned Single Bench while remanding the matter to Director Sports for a fresh decision. It is clearly stated therein that rigor of order dated 07.01.2022 shall not be applied until fresh decision is taken.

8. I see no reason as to why the apple cart be turned turtle at this stage, by not giving benefit of the aforesaid interim order passed by the learned Single Judge, inasmuch as, in the interregnum the petitioners fear that based on cancellation of their Sports Gradation Certificate, their services may be dispensed with.

9. In the premise, the writ petitions are disposed of with a direction to the respondents that, subject to the outcome of the decision pursuant to the directions given in CWP No. 4259 of 2022, the petitioners’ services shall not be dispensed with without issuing them any show cause notice with at least four weeks to respond to the same and/or seek legal remedy in accordance with law.

10. *It transpires that in CWP-21776 of 2020, there are eight petitioners and claim of two of them has already been accepted qua the sports gradation certificate. In the premise, same be processed in accordance with the instructions dated 10.05.2022 and benefit thereof be accorded to them in accordance with their achievements.*

11. *In the parting, to be noted, that in different petitions, interim orders were passed vide which services of the petitioners were protected and the respondents were directed not to dispense with them, subject to final outcome of the writ petition. Reference to the said orders may not be necessary as they are of different dates and different writ petitions. In some of the cases, gradation certificates were not issued in view of the administrative order dated 07.01.2022 passed by the Director since the very affiliation/recognition of the Haryana Athletic Association was de-recognized by the State government as stated herein above. Therefore, it is made clear that their cases shall also be considered depending upon the decision taken by the Director qua recognition of Haryana Athletic Association. Needless to say, in case any favorable order is passed qua recognition of Haryana Athletic Association, the petitioners shall not be put to unnecessary harassment and their case shall be processed in accordance with their achievements during the period when they participated in the various athletic tournaments/achievements which were either sponsored or organized by the Haryana Athletic Association. In case of any adverse order, affected sportsmen/athletes will be given 30 days' notice.*

12. *Disposed of in the above said terms.*

13. *Photocopy of this order be placed on the connected case files."*

4. In view of the aforesaid, I see no reason as to why benefit of the judgment/ order *ibid* be not accorded to the petitioners herein.

5. In the premise, writ petitions are disposed of in terms of judgment *ibid*.

6. 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