

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

LPA-202-2023 (O & M)
Date of Decision: 27.02.2023

Sunny

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Sanchit Punia, Advocate,
for the appellant.

Mr. Ankur Mittal, Addl. A.G., Haryana,
and Mr. Saurabh Mago, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

CM-595-LPA-2023

Notice in the application for condonation of delay of 249 days in
filing the appeal.

Mr. Ankur Mittal, Addl. A.G., Haryana and Mr. Saurabh Mago,
AAG, Haryana accept notice.

Keeping in view that the order passed by the learned Single
Judge is dated 13.05.2022 and review was decided only on 15.12.2022,
sufficient cause is made out to condone the delay.

Accordingly, the application is allowed. Delay of 249 days in
filing the appeal is condoned.

CM stands disposed of.

LPA-202-2023 (O & M)

The appellant was one of the 36 writ petitioners before the
learned Single Judge in CWP No.3293 of 2021, lead case of which was CWP
No. 21776 of 2020, who was pleased to decide a bunch of writ
petitions on 13.05.2022. The learned Single Judge, by virtue of the

said order, held that interim orders were passed whereby the services of the writ petitioners had been protected and the respondents were directed not to dispense with them subject to the final outcome of another litigation. While noticing that there was an order dated 07.01.2022 passed by the Director Sports regarding the recognition of Haryana Athletic Association (in short 'HAA'), the writ petitions were disposed of that it would be dependent upon the decision taken and if any favourable order is passed qua recognition of HAA, the writ petitioners would not be unnecessarily harassed and their case would be processed in accordance with their achievements during the period when they participated in the various athletic tournaments. The writ petitioner/appellant, when he had filed CWP No. 3293 of 2021, did not get any interim order which would be clear from the order dated 12.02.2021 (Annexure A-1), while he was challenging the dispensing of his services on 14.01.2021 (Annexure P-13). The learned Single Judge at that point of time had directed that his representation be decided and appropriate gradation certificates be issued in case so found entitled.

It is not disputed that his case was rejected on 30.03.2021 (Annexure R-2) by noticing that the certificate which he had annexed was issued by an association of Sh. Anand Singh Dangi as President and Naresh Malik as Secretary and it was not a recognized association vide the report dated 15.12.2020 of the HAA. It is in such circumstances that the writ petitioner filed a review application also before the learned Single Judge bearing RA-CW-250-2022 that there was no stay order in his favour, which was dismissed on 15.12.2022, which is also subject matter of appeal.

The sole grievance as such of the appellant herein is that in similar circumstances, others have been granted the benefit of interim

protection and he is out of service. It is pointed out that the same learned Single Judge, in a subsequent decision dated 23.08.2022 given in *Parveen and another vs. State of Haryana and others* (Annexure A-2), gave similar relief while noticing that HAA had filed CWP No. 16348 of 2022 challenging the action of the Government and the benefit of *status quo* and *subjudice* had been granted till then. It is further brought to our notice that another learned Single Judge in *CWP No. 24072 of 2022, Sagar Sewla and others vs. State of Haryana and others* passed a similar order on 09.11.2022 while tagging the said case alongwith CWP No. 16348 of 2022 and directing that no coercive steps will be taken while noticing that the certificates issued by Naresh Malik, whether they were valid or not, is pending consideration.

We have also seen the interim order dated 06.01.2021 (Annexure P-28) passed in *CWP No. 50 of 2021, Sandeep Kumar vs. State of Haryana and others* wherein, similar benefit was also granted to the said writ petitioner and which is to continue to remain in force vide the same judgment which is now impugned before us by the present appellant. Counsel has further pointed out that he had participated in a tournament organized by the District Jind Athletics Association at Uchana Khura, Jind on 17.11.2013 in the 10000 meters run and had achieved 1st position whereas the person who had achieved the 2nd position namely Amit Kumar (Annexure P-34) was granted the Sports Gradation Certificate (Annexure P-35) and was given Grade 'D'. It is, therefore, contended that he was rather better placed than Amit Kumar. Reference is also made to the communication dated 27.11.2020 (Annexure P-22) wherein, there was a list of similarly situated candidates namely Kuldeep Singh at Sr. No.41 and Manoj Kumar at Sr. No.49, who had also participated in the same tournament at Uchana, Khura, Jind on 17.11.2013 and had been

given the Sports Gradation Certificates by the Sports Department. It is, thus, contended that the order is likely to be set aside qua the appellant and his writ is liable to be heard alongwith CWP No. 16348 of 2022.

Counsel for the State is not in a position to point out any different factual matrix.

In such circumstances, we are of the considered opinion that the judgment of the learned Single Judge passed qua the present appellant Sunny in CWP No. 3293 of 2021 has to be set aside and the matter is remanded to the learned Single Judge. The writ petition i.e. CWP No. 3293 of 2021 be heard alongwith CWP No. 16348 of 2022 as directed in other case case. In the meantime, the respondent No.4 shall permit the appellant to rejoin his duties and the interim order shall continue till the disposal of the writ petition. It is, however, made clear that he is not entitled for monetary benefits for the period he has remained out of service.

The present appeal stands disposed of in the abovesaid terms.

(G.S. SANDHAWALIA)
JUDGE

27.02.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No