

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

(117)

**LPA-219-2023 (O&M)
Decided on: 28.02.2023**

Jag Ram

....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(s).

Mr. Ankur Mittal, Addl. AG, Haryana with
Mr. Saurabh Mago, AAG, Haryana.

G.S. Sandhawalia, J.

CM-640-LPA-2023

Application for condonation of delay of 239 days in filing the appeal has been filed against the order of the learned Single Judge dated 13.05.2022. The delay is stated to have occurred on account of the fact that the review application was filed thereafter, which was decided on 15.12.2022 and then counsel was engaged.

Notice in the application.

Mr. Mittal accepts notice on behalf of the respondent-State.

Keeping in view the averments made in the application, sufficient cause as such is made out to condone the delay. Accordingly, the application is allowed. Delay of 239 days in filing the appeal is condoned.

CM stands disposed of.

LPA-219-2023 (O&M)

The appellant is one of the 36 writ petitioners before the learned Single Judge in CWP No.3686 of 2021. He is aggrieved by the order of the learned Single Judge, who disposed off the bunch of cases vide order dated 13.05.2022, lead case of which was **CWP No.21776 of 2020 'Ashish Kumar and others Vs. State of Haryana and others'**.

2. By virtue of the said order dated 13.05.2022, protection was granted to the writ petitioners who had interim orders in their favour and respondents were directed not to dispense with their services subject to the final outcome of the writ petition. It was noticed that there was an order dated 07.01.2022 passed by the Director Sports regarding the recognition of Haryana Athletic Association (for short 'HAA') which was subject matter of litigation. Accordingly, the interim order was extended that if any favourable orders are passed qua the recognition of the 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.

3. The writ petitioner/appellant, when he had filed CWP No.3686 of 2021, did not get any interim order, though he filed various applications for the same, wherein he was challenging the dispensing of his services on 18.01.2021 (Annexure P-22) by the Deputy Commissioner, Jhajjar. The reason as such was that he did not possess the requisite gradation certificate as per the requirement of the Sports Policy dated 25.05.2018. The appellant had applied for the post of a Peon in the reserved category of sportsman and also belongs to the Scheduled Caste

Category on the ground that he had a certificate of Long Jump in which he had achieved first position in the event organized by the District Jind Athletics Association at Uchana Khura, Jind on 17.11.2013 (Annexure P-3) which had been organized by the HAA.

4. The defence of the State in its written statement before the learned Single Judge was that on account of the fact that the certificate in question had been signed by Sh. Anand Singh Dangi and Sh. Naresh Malik, who had never remained President and Secretary, respectively of HAA and it was not a recognized State Athletics Association affiliated with Athletics Federation of India. It was in such circumstances, the appellant had filed the review application before the learned Single Judge bearing **RA-CW-252-2022** in the said writ petition, which was dismissed on 15.12.2022 that there was no stay order in his favour, which is also subject matter of appeal.

5. The sole grievance as such of the appellant herein is that in similar circumstances, others had been granted the benefit of interim protection, but he remained out of service having never been able to get an interim order, whereas others had been given the said benefit. It is pointed out that the same learned Single Judge, in a subsequent decision dated 23.08.2022 given in **CWP No.18499 of 2022 'Parveen and another vs. State of Haryana and others'** (Annexure A-1), 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.

6. We have also seen the interim order dated 06.01.2021 (Annexure P-24) 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 long jump. Reference is also made to the communication dated 27.11.2020 (Annexure P-19) 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 likely to be heard alongwith CWP No. 16348 of 2022.

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

8. In such circumstances, we are of the considered opinion that the judgment of the learned Single Judge passed in 21776 of 2020, passed qua the present appellant Jag Ram in CWP No.3686 of 2021 has to be set aside and the matter is remanded to the learned Single Judge. The writ petition i.e. CWP No.3686 of 2021 be heard alongwith CWP No.16348 of

2022 as directed in other 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.

9. The present appeal stands disposed of in the abovesaid terms.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

28.02.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No