

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

131

**CWP-2091-2023
Date of Decision: 02.02.2023**

ANIL KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mahabir Singh Tanwar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondent No.1 to take action on the final Notice dated 22.09.2022 vide Annexure P-14 after getting the Enquiry conducted from the State Vigilance Bureau Haryana or any independent Investigating Agency in view of the seriousness of the allegations.

Learned counsel for the petitioner contends that the petitioner is a retired Army Personnel and is presently working as Boxing Coach at Sir Chhotu Ram Stadium, Rohtak. After being retired from Indian Military in 2015, he joined the services of Sports Authority of India at Hisar as Boxing Coach and worked there till 2017. It is further submitted that with a view to encourage the youth towards sports, Government of Haryana has recruited Coaches for all kinds of games/sports and posted them at each district of the

State to impart coaching/training of different games/sports. All these facilities are totally free of costs as no admission fee or coaching fee is charged from the trainees and as such, numerous interested youths are benefiting the said scheme. However, despite being so, Mr. Vishnu Bhagwa, Boxing Coach- the respondent No.6 put pressure upon the petitioner to extort Rs.1000/- or Rs.2000/- at the time of admission and Rs.200/- per month from each trainee, but the petitioner flatly refused to do so. Upon this, the respondent No.6 threatened the petitioner not to allow him to remain in service any longer and/or the petitioner would be got transferred to some far-away place. The petitioner reported the matter to respondent No.4, but the respondent No.4 also directed the petitioner to abide by the advice of respondent No.6. Upon refusal, the petitioner was got attacked by respondent No.6 on 26.10.2018. The matter was again brought to the notice of Higher Authorities i.e. respondent No.4 and 5 in writing with a copy of the same to respondent No.2 and other senior officers. On 30.11.2018 at about 05.00 p.m., the petitioner was again attacked by 6-7 persons. Such types of incidents were repeated time and again. The petitioner submitted various applications dated 02.01.2019, 03.01.2019 and 05.02.2019 to respondents No.4 and 5 but no action has been taken thereupon. Furthermore, the petitioner submitted a detailed application dated 10.02.2019 (Annexure P-2) to Shri Ashok Khemka, Principal Secretary, Department of Sports and Youth Affairs, Haryana describing therein all facts and incidents. But no action has been taken thereupon till date. The petition ran from pillar to post to seek justice, but all in vain. When the petitioner did not find justice and no action was taken on the numerous complaints filed by him, he submitted a final notice to

the respondent No.1 on 22.09.2022 (Annexure P-14) providing therein complete details of the entire incident as well as the previous complaints filed by him, however, no action has been taken thereupon till date.

Notice of motion.

Mr. Vivek Saini, Addl. A.G., Haryana accepts notice on behalf of the respondents No.1 to 4 and prays for some time to complete instructions and file reply, if necessary.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.1 is directed to consider and decide the final notice dated 22.09.2022 (Annexure P-14) in a time bound manner.

Learned State Counsel does not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the respondent No.1 to consider and decide the notice dated 22.09.2022 (Annexure P-14) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of five months from the date of receipt of certified copy of this order.

02.02.2023
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(VINOD S. BHARDWAJ)
JUDGE

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