

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CWP-8453-2019

Date of decision: 05.07.2023

KARAN BRAR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: - Mr. D.S. Randhawa, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed for seeking issuance of directions to respondents No.1 and 2 to grant Maharaja Ranjit Singh Award to the petitioner for the year 2016 for his achievement in Sports that had been wrongly not released in favour of the petitioner.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner is an international Swimmer who has represented the State of Punjab in various competitions and won awards for the Panjab University and also the State of Punjab.

3. The Government of Punjab had framed a policy to grant Mahraja Ranjit Singh Award Scheme to honour the deserving sportspersons for appreciation of their efforts. As per the eligibility criteria, a sportsperson who earns minimum 40 points in the last five years preceding the year of award, would be eligible for the said award. The details of events in which

the petitioner had participated at the National and International level, as averred in the writ petition are extracted as under :-

*“5. That petitioner had participated in 54th National School Games held at Balewadi, Pune (Maharashtra) from 4th January to 8 January, 2009 in Water Polo Boys Under-19 representing State of Punjab and got third position in Water Polo. Petitioner had also got 3rd Position in 50 meter Butterfly Timing Event, 1 Position in 50 meter Free Style and 2nd Position in Water Polo Event in the 57th National School Games 2011-2012 for Swimming Boys Under-19 and Water Polo Boys Under-19 held at Panjim, Goa representing Punjab. Copies of certificate issued by School Games Federation of India are annexed herewith as **Annexure P-2 (colly.)**.*

*6. That petitioner was awarded certificate of participation as a competitor by Swimming Federation of India for participating in the 35th Junior National Aquatic Championship 2008 held at Amritsar; 36th Junior National Aquatic Championship 2009 held at Jaipur; 37th Junior National Aquatic Championship 2010 held at Bangalore and 38th Junior National Aquatic Championship 2011 conducted at Bhopal. In all the games petitioner had represented Punjab. Copies of the certificates of participation are annexed herewith as **Annexure P-3 (colly.)**.*

*7. That petitioner represented Punjab in 34th National Games 2011 held at Jharkhand from 12th to 26th February 2011 in Aquatics and was given certificate of participation, copy of which is annexed as **Annexure P-4**.*

8. That petitioner was awarded certificate of participation as a competitor by Swimming Federation of India for participating in the 63rd Senior National Aquatic Championships 2009 held at Trivandrum representing Punjab; 67th Senior National Aquatic Championship 2013 held at Trivandrum; 68th Senior National Aquatic Championship 2014

*held at Kolkata, 69th Senior National Aquatic Championship 2015 held at Rajkot and 71st Senior National Aquatic Championship 2017 held at Bhopal/Indore. In all the games petitioner had represented Punjab as Competitor. Copies of the certificates of participation are annexed herewith as **Annexure P-5(colly.)**.*

*9. That petitioner was given certificate of participation for representing Punjab in Swimming in 35th National Games held at Kerala from 31st January to 14th February, 2015, copy of participation certificate is annexed as **Annexure P-6**.*

*10. That petitioner participated in All India Inter University Swimming Tournament conducted by Association of Indian Universities (AIU) held at Kokata from 03-10-2012 to 07-10-2012 and got 1st Position in 4 x 100 mts. Free Style Relay, 1st Position in 4 x 100 mts. Medlay Relay and 1st Position in 4 x 200 mts. Relay. Copies of the certificate issued by Association of Indian University for the above achievements representing Panjab University are annexed herewith as **Annexure P-7 (colly.)**.*

*11. That petitioner got 1st Position in the All India Inter University Aquatic Tournament Men held at Amritsar from 25-10-2013 to 29-10-2013 in 4 x 100 mts Free Style. In this tournament petitioner also got 4 silver medal 2nd Position in 4 x 100 mts Medlay Relay, 50 mts. Butterfly Strokes, 4 x 200 mts. Free Style Relay and 200 mts. Butterfly Stroke. In this tournament petitioner also got 3rd Position in 200 mts. Individual Medlay. The tournament was conducted by Association of Indian University (AIU) and the copies of certificate awarded to the petitioner for securing the above mentioned positions are annexed herewith as **Annexure P-8 (colly.)**.*

12. That in 2014 All India Inter University Aquatic Men/Women Tournament held at Jain University Bangalore by

*Association of Indian Universities, petitioner got 1st Place in 4 x 100 mts. Free Style Relay (M), 1st Position 4 x 100 mts. Medlay Relay (M), 3rd Place in 4 x 200 mts. Free Style Relay (M) and 3rd Place in 100 mts. Butterfly (M). Copies of the certificates of Merit awarded to petitioner are annexed herewith as **Annexure P-9 (colly.)**.*

*13. That in the All India University Tournament held at Panjab University Chandigarh from 20-10-2015 to 25-10-2015 petitioner got 4 Gold in 4 Events i.e. Swimming (4 x 100 Med Relay), Water Polo M, Swimming 4 x 100 mts. Free Style Relay and Swimming 150 mts. Butterfly. The certificates of merit given to petitioner by Association of Indian University in the above mentioned games are annexed herewith as **Annexure P-10 (colly.)**.*

*14. That in 2015 petitioner had participated in World University Games held at Gwangju, Republic of Korea from 3rd to 14th July, 2015 and Diploma in Participation was awarded by International University Sports Federation under the Organizing Committee of Korean University Sports Board and the Gwangju 2015. Universiade Organizing Committee. Copy of the certificate is annexed herewith as **Annexure P-11**.*

*15. That petitioner had got his Gradation Certificate from respondent no. 2 for participation in the 57th National School Games while representing Punjab and petitioner was given as Grade 'B' in the Certificate issued on 27-03-2012. Similarly respondent no. 2 on 18-08-2016 has given Grade 'B' Sports Gradation Certificate no. 10525 dated 08-07-2016 for securing positions in the above mentioned All India Inter University Tournament. Copies of the Gradation Certificate issued by respondent no. 2 are annexed herewith as **Annexure P-12 (colly.)**.”*

4. Relying on the aforesaid participation of the petitioner as also the formula approved by the respondents, the petitioners contends that he has a total of 155 points which are tabulated as under:

Sr. No.	Games	Position	Year	Points
1.	World University Games	Participation	3-14 July, 2015	5
2.	AIU	3 Gold	2012	30
3.	AIU	1 Gold 4 Silver 1 Bronze	2013	48
4.	AIU	2 Gold 2 Bronze	2014	32
5.	AIU	4 Gold	2015	40
Total				155

5. He argues that the petitioner submitted his application for grant of the aforesaid award alongwith the requisite certificates. Vide letter dated 10.06.2016, the petitioner was directed to appear before respondent No.2-the Director, Department of Sports & Youth Services, Punjab on 13.06.2016 to show his original certificates. In compliance to the above said communication, the petitioner appeared before the said respondent alongwith the his originals. He further refers to the letter of respondent No.3 i.e. District Sports Officer, Faridkot, Punjab who had also recommended the case of the petitioner for grant of the award. Name of the petitioner was mentioned at serial No. 2 of the aforesaid recommendation sent by the

District Sports Officer, Faridkot. However, notwithstanding the aforesaid certificates of excellence; achievement submitted by the petitioner and the recommendations made by the District Sports Officer, Faridkot, the name of the petitioner did not figure in the list of the awardees for the year 2016. Despite, the petitioner scoring more than certain other sportspersons who have been awarded. Perusal of Annexure P-15 i.e. list of awardees shows that various sportspersons with less than the total marks of 155 have been conferred the award by the respondent-State. Aggrieved thereof, the present petition has been filed.

6. The respondent-State has filed its short reply dated 21.01.2020 by way of affidavit of Kartar Singh, Deputy Director Sports, Punjab wherein they have replied as under:-

“3. That the Department of Sports, Government of Punjab issued an advertisement on 05.03.2016 for inviting applications for the grant of Maharaja Ranjit Singh Award for the years 2011 to 2016. In response to the advertisement, the petitioner applied for Maharaja Ranjit Singh Award 2014, 2015 and 2016 vide 3 separate applications and copies of the applications are attached as true translation thereof as Annexures R-1/T, R-2/T and R-3/T respectively.

4. That it is submitted that the petitioner did not attach any certificate for representing either the State of Punjab in any recognised National Competition or for representing India in any recognised International Competition respectively in his applications for the year 2014 and 2015 which has been annexed at (R-1/T) and (R-2/T). The Petitioner has also not attached any certificate for participation in National Competition for the year 2016 which has been attached at Annexure (R-3/T).

5. *That the Clause 3.6 of Maharaja Ranjit Singh Award Policy (Annexure P-1) clearly states that only those candidates who represent the Punjab State in recognised National Competition organized by concerned National Sports Federation affiliated to Indian Olympic Association and International Competitions representing India organised by concerned International federations affiliated to International Olympic Committee are eligible for this award.*

6. *That as per the papers and documents submitted by the petitioner, he did not fulfil the eligibility criteria of Clause 3.6 of Maharaja Ranjit Singh Award Policy as per his applications for the year 2014, 2015 and 2016 respectively.”*

7. In response to the aforesaid written statement, a counter affidavit was filed by the petitioner wherein he denied the response filed by the respondents and categorically submitted that the petitioner had given 03 applications respectively for the year 2014, 2015 and 2016 while applying for the abovesaid award. It is further submitted that the case of the petitioner is covered under Clause 3.6 of the policy since he represented the State of Punjab at Junior as well as Senior levels as is evident from certificates Annexure P-3 to P-6, P-11 and P-12. He further contends that all certificates attached herewith were also attached alongwith the application & that validity of the same are still not denied by the respondents. There is no reason for the petitioner to withhold the said document and also as to why the respondent authorities should not take the same into consideration especially when the same have been attached with the present petition & are in the knowledge of the respondents.

8. Counsel for the respondent-State has vehemently argued that the case of the petitioner has been considered as per the existing policy and

that the events in question were not recognized by the National Sporting Federation and/or the Indian Olympic Association as mandated under Clause 3.8 of the above said policy. The award in question had thus rightly not been conferred. She further submits that the petitioner had not produced the certificates that had been appended alongwith the present petition and at the time of submission of his application and as such, the decision of the respondents in not granting the award cannot be said to be bad.

9. She, however, could not dispute the fact that the School Games Federation of India is a National Body and is duly recognized by the Ministry of Youth Affairs and Sports as well as Indian Olympic Association. Further, the 35th Junior National Aquatic Championship of 2008 were organized by the National Sporting Federation i.e. the Swimming Federation of India itself which is duly recognized by the Indian Olympic Association. Besides, the other certificates that have been issued by the National Sporting Body which are recognized by the Indian Olympic Association and which also shows that the petitioner had represented the State of Punjab.

10. I have heard learned counsel appearing on behalf of the respective parties & gone through the documents appended alongwith the present petition.

11. Before proceeding further with the matter, it would be essential to refer to the relevant clauses of the Award Scheme dated 20.06.2011 (Annexure P-1) for appreciating the respective arguments.

Objective of the Scheme

The Maharaja Ranjit Singh Award is introduced primarily to compensate the medal winners of national/international sports events for the expenses incurred

on diet, training, preparations and for the deprivations suffered by them due to their devotion and service to sports. The objective is also to mitigate the sufferings caused due to hardships encountered during preparation. Another purpose of the cash awards is to encourage and motivate the outstanding sportspersons for even higher achievements and to attract the younger generation to take to sports as a career. This award definitely help to rehabilitate the medal winners with honour, dignity and comfort after the conclusion of their active sports career which is generally of a very short duration. The Maharaja Ranjit Singh Award is also the expression of appreciation and gratitude of the state to the medal winners for winning laurels for the state and country.

3. Eligibility Criteria

The sportspersons who earn minimum 40 points in the last 05 years preceding the year of award, would become eligible for the award as per criteria mentioned below, whereby participants shall earn points in accordance with the level of their performance.

3.1 Out of 27 Olympic disciplines, the Award will be presented to maximum 15 players in a calendar year.

Xxx xxxx xxxx xxxx xxxx xxxx xxx xxx xxx xxx

3.4 The Award will be given only those players who are domiciles of Punjab.

Xxx xxxx xxxx xxxx xxxx xxxx xxx xxx xxx xxx

3.6 Only those candidate who represent the Punjab State in National and International Competition, are eligible for this award, the only exception being in the case of Public Sector Undertaking/Services employees, who are unable to represent Punjab in National Championship. Such employees should have otherwise represented the Punjab State in National Games.

12. The stand of the respondents is two-fold, firstly that the petitioner did not represent the State of Punjab & secondly that the certificate appended with the petition were not supplied to them.

13. Surprisingly, the respondents have taken the above stand without disputing the certificates appended alongwith the present petition. The certificates attached establish the participation and certificates of petitioner while representing the State of Punjab in various events organized by the respective apex body of the sporting event i.e. by the School Games Federation of India; Swimming Federation of India & National Games organized by the Indian Olympic Committee. Hence, the contention of the respondents that the petitioner did not represent the State of Punjab or that the event was not a recognized event is prima facie not sustainable & deserves to be rejected.

14. The same leads to the second issue i.e. that the petitioner did not submit the certificates at the time of verification.

15. The case of the petitioner is specifically that the same were furnished. It is also noticed that the validity of the certificates is not disputed by the respondents. Besides, list of Awards for the year 2016 which is appended as Annexure P-15 is also undisputed. The same shows that as many as a person with less than 155 points have been given the award. The Table of points which the petitioner claim to arise in his favour is also not disputed. Hence, it leaves no option to hold that the petitioner scored higher points & did not suffer any other disqualification for being conferred the Award. There should thus be no impediment to consider the claim of the petitioner as per his merit.

16. It is inconceivable at this juncture that the petitioner would not have shown these documents and/or the certificates to the concerned authorities especially when he submitted an application for grant of the Award.

17. In any case, without taking the controversy any further, the respondent-the Director, Department of Sports & Youth Services, Punjab is directed to consider the claim of the petitioner for grant of Maharaja Ranjit Singh Award for the year 2016, in terms of the policy that had been in force and on the strength of the certificates that may be so produced by the petitioner. He shall appear before the Director, Department of Sports & Youth Services, Punjab on 31.07.2023 and/or such other date as may be communicated to him by the Director, Department of Sports & Youth Services, Punjab but not later than 04 weeks from the date of his first appearance and furnish all his testimonials/documents. The respondent No.2-Director, Department of Sports & Youth Services, Punjab shall thereafter take a fresh decision on the basis of the certificates so produced and shall take a final decision with regard to an entitlement of the petitioner to the Award within a period of 10 weeks thereafter on verification of the claim. Needless to mention that in case the petitioner is found eligible as per the above said decision, the cash award shall be released to the petitioner within a period of 04 weeks thereafter.

The writ petition is accordingly disposed of.

JULY 05, 2023

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No