

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

**CWP No.8314 of 2020 (O&M)
Date of decision : 23.01.2023**

Lovish Kumar

..... Petitioner

versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Sunny Singla, Advocate
for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab
for respondents No.1 & 4.

Mr. Sehajbir Singh, Advocate
for respondents No.2 & 3.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed for issuance of a writ in the nature of certiorari for quashing action of the respondent-Corporation vide which the respondent-Corporation selected the candidates and appointed them as AE/OT (Electrical) allegedly in illegal, unjust, non-transparent and arbitrary manner, without declaring the final list of selected candidates.

Petitioner claims that he participated in a selection process initiated by the respondents-PSPCL vide Public Notice dated 20.09.2019 (Annexure P-1) in Sports Category. However, the same has been concluded without making any appointment in the sports category by the respondents-PSPCL and such action is un-sustainable in the eyes of law.

Per contra learned counsel for the respondents-PSPCL submits that the selection was for the post of Assistant Engineer/OT (Electrical). As per the pay scale attached to the post, it is a Class-II/Group-A post. The

classification is based on provisions of Punjab Recruitment of Sportsmen Rules, 1988 (hereinafter referred to as '1988 Rules'). He submits that as per the 1988 Rules persons with A Gradation only are considered 'Sportsman' for appointments in the Sports reserved category for Class-II/Group A post. In the present selection process the respondents could not find any suitable candidate who could fulfill the minimum criteria to claim post under Sports quota. Resultantly, no person was appointed and thus the present writ petition is mis-conceived and the same deserves to be dismissed.

I have heard learned counsel for the parties and have gone through the records of the case.

As per Public Notice (Annexure P-1) the pay scale attached to the post of AE/OT (Electrical) for which the petitioner participated is Rs.16650-39100+ Grade Pay of Rs.5800/-. As per the Finance Circular bearing No.29 of 2010 dated 28.07.2010 placed on record by the respondents-PSPCL along with their written statement as Annexure R-2/5 the classification of the services has been provided as under :-

“Group-A All posts of the grade pay of Rs.5500/- (five thousand five hundred) and more including the posts of H.A.G. Scale 67000-79000. Besides this, all the present posts of Group-A (irrespective of the monetary limits of the grade pay), will remain in Group-A.

Group-B All the posts of the grade pay between Rs.4300/- to Rs.5499/-.

Group-C All the posts of the grade pay between Rs.2200/- to Rs.4299/-.

Group-D All the posts of less than the grade pay of Rs.2200/-.

The service rules/regulations, which are presently applicable in respect of Group-A, B, C & D, will be applicable correspondingly upon the new classification in respect of the new groups.”

Thus there cannot be denial to the fact that the post is Group-A post. Public Notice Annexure P-2 further provides that :-

“5.2 The category-wise final merit shall be prepared based on the marks secured in GATE 2019 exam only (except Sports person category candidates, where merit shall be prepared by Director/Sports, Punjab as

per Sports gradation policy no. 47/26/83-5 Edu./2036 dated 10.12.1997). Further, if two or more candidates have secured same GATE 2019 scores, then their relative merit shall be determined by their age where higher age candidate shall be placed at higher merit.”

1997 policy referred hereinabove reads as under :-

GRADE-A

Sportsmen/women of International Standing i.e. those who have represented India in the following international tournaments/meets/Competitions/Championships conducted by recognized International Federation/Committees :-

- | | |
|------------------|--------------------------------|
| 1. OLYMPIC GAMES | 2. WORLD CUP |
| 3. ASIAN GAMES | 4. COMMONWEALTH GAMES |
| 5. DAVIS CUP | 6. TEST/ON DAY CRICKET MATCHES |

Admittedly, the petitioner holds C Grade certification as per the said policy. The eligibility of recruitment in the Sports category is governed by 1988 Rules which have been placed on record at Annexure R-2/3. Sportsman has been defined under Rule 2 (d) which reads as under :-

“(d) "Sportsman" means a person of either sex who fulfils the following conditions, namely:-

(a) In the case of recruitment to a reserved vacancy in Class I or Class II posts:-

(i) that he belongs to the State of Punjab; and
(ii) that he has won national championship in team or individual events while representing the State of Punjab in such sports events as have been conducted by such respective national federations as are affiliated to the Indian Olympic Association;

Or

(i) that he has won national championship in team of individual events which are organized by the Indian Olympic Association;

Or

(ii) that he has won first, second or third position in team or individual events and or he has won Gold or Silver or Bronze Medals at International Sports meets, conducted by International

Federations affiliated to the International Olympic Committee or by the International Olympic Committee itself.

(b) In the case of recruitment to reserved vacancy in Class III posts:-

(i) that he belongs to the State of Punjab: and

(ii) that he has won first, second or third position in team or individual events while representing the State of Punjab in a State Level Championship in any of the discipline affiliated to the Punjab Olympic Association organized by the State Level Federation.

(c) In the case of recruitment to a reserved vacancy in Class-IV post:-

(i) that he belongs to the State of Punjab: and

(ii) that he has attained the first, second and third position in a District Level Association affiliated to the State Level Association in the respective discipline.”

Thus the petitioner having applied for Group-A post does not possess minimum qualification to be considered as “Sportsperson” for Group-A post to avail benefit of Sports Category as per 1988 Rules. Resultantly, no wrong can be found with the action of the respondents in rejecting the claim of the petitioner.

As a sequel of the aforesaid discussion held hereinabove, present writ petition is dismissed being without merits.

Ordered accordingly.

(PANKAJ JAIN)
JUDGE

23.01.2023

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No