IN THE OFFICE OF THE OMBUDSMAN-CUM-ETHICS OFFICER, PCA , SAS NAGAR (MOHALI)

District Cricket Association, Mohali, Plot No.268, Phase-IX, Industrial Area SAS Nagar Mohali (Pb) through authorized person Shri Gagandeep Singh Dhaliwal son of S. Karora Singh Dhaliwal, resident of H.No.2650 Phase-VIII, SAS Nagar Mohali. ..... Complainant

Versus

1. G.S.Walia, resident of H.No.3204, Sector 32, Chandigarh.
2. M.P.Pandav, resident of H.No.426, Sector 35-A, Chandigarh also resident of Laxmi Niwas, Arya Samaj Park, Patiala.
3. Mohali Cricket Association/Mohali District Cricket Association, PCA Cricket Stadium Phase-IX, SAS Nagar Mohali.

..... Respondents

4. Chief Executive Officer, Punjab Cricket Association, IS Bindra Cricket Stadium Phase-IX, SAS Nagar Mohali.

..... Proforma respondent.

Present : - Present : - Mr. S.S.Grewal, Advocate for the complainant.
Mr. Kailash Chander Advocate, for respondents No.1, 2 and 3.

ORDER

By this common order, I shall dispose of the applications filed by the respondents-applicants today one for recalling of order dated 12.03.2022 and another for rejection of the replies and documents

produced by the CEO, who is proforma- respondent, in this complaint. The operative part of the order dated 12.03.2022 runs as under:-

> "Before I part with this order of mine, it is made clear that the rights of the parties shall not be affected in any manner by passing of this order. It is further made clear that the directions contained in this order shall have no bearing on the ultimate decision of the complaint and they are confined only with regard to the arrangement mentioned above. This interim arrangement shall continue till the disposal of the main complaint and the complainant and respondents shall not interfere in any manner with the functioning of the conveners/selection committee to be formed by the Conveners."

After having gone through the operative part of this order, it is crystal clear that the application for re-calling of this order has become infructuous since the main complaint stands disposed off.

Before I part with this order of mine, I would also like to observe that it is admitted case of the parties that vide this interim order Shri R.S.Sachdeva and Shri P.M.S. Banga were appointed as conveners for running affairs of cricket in the District Mohali. The respondents along with this application placed on record one CD (Vedio Clip), which was

played by me and I find that these conveners participated actively in the meeting organized by the complainant i.e. DCA and as such to my mind, they exceeded their powers by addressing the persons present there fully knowing that the complainant association has not been recognized by the PCA and no affiliation certificate has been issued by the PCA to them so far. I also find in the Vedio clip that Shri R.S.Sachdeva and Shri P.M.S. Banga while sitting in the office of complainant were making some allegations against the respondent in the said vedio clip against the applicants and apart from going through Vedio Clip, I also examined the transcription of Vedio Clip placed on the record. From this CD and transcription, it is clear that both conveners are directly involved with the complainant whereas they were required to be neutral persons after their appointment by this Forum, as convener.

In view of all this, to my mind, in order to meet the ends of justice the present conveners should be debarred to be the members of any selection committee for running the affairs of cricket for a period of four months from the date of passing of this order. And I order accordingly.

The Vedio Clip further spells out that no active participation took place on behalf of the CEO, who was also present and it appears that since the complainant had applied for securing affiliation certificate, they invited CEO being the office bearer of the PCA on the opening ceremony of complainant association and moreover, CEO has no role to play in selection committee in running the affairs of District Mohali Cricket Association vide order dated 12.03.2022, therefore, no order is required to be passed against him.

In the final analysis, the application for recalling the above mentioned order is accordingly dismissed as having become infrucuous.

Now, I would like to lay my hand on the other application for rejection of reply and other documents filed by the proforma-respondent.

In this application it has been categorically pleaded that in view of Section 51 of the Rules and Regulations of the PCA Mohali, only the Secretary of the PCA is competent to contest the case on behalf of the PCA and therefore, the CEO of the PCA is not a competent person to contest the case on behalf of the PCA. The contention of the learned counsel for the applicants in this regard is liable to be noticed only for the

sake of rejection and it appears that the present application has been filed just to delay the disposal of the complaint particularly when Section 51 of the Rules and Regulations pertains to the filing of the suit by or against the PCA. This rule clearly spells out that the suit by the PCA or against the PCA to sue in the name of the Secretary, while defending and contesting the suit by engaging appropriate lawyers. This rule is not applicable to the present proceedings and is applicable only to the suits filed before the Competent Court. Moreover, no such objection was raised in the written statement and the present application has been filed in order to delay the proceedings and in view of this, the present application is dismissed.

April 11, 2022

(JUSTICE H.S.BHALLA)
(FORMER JUDGE)
OMBUDSMAN-CUM-ETHICS OFFICER,
Punjab Cricket Association, SAS NAGAR
(MOHALI)