

To
The Ombudsman-c-Ethics Officer,
Punjab Cricket Association,
IS Bindra Stadium, Mohali

Sub :- Order dated 19-5-2022 passed by the then The
Ombudsman-c-Ethics Officer,
Punjab Cricket Association in Complaint No. 3 of 2021
titled Amrit Pal Singh Vs Firozpur District Cricket.
Association and others.

Application -cum- Representation for withdrawing/
setting aside / recalling order dated 19-5-2022 (Annexure
A-1) passed by the Ld. Ombudsman cum Ethic Officer,
Punjab Cricket Association, Mohali in Complaint no.3 of
2021 titled titled Amrit Pal Singh Vs Firozpur District
Cricket. Association and others and for ordering **status
quo ante* , of the set of circumstances as they stood on
14-5-2022, being maintained till further orders and the
application for restoration of complaint No. 3 of 2021,
being heard on merits after providing due opportunity to
the applicant, in the interest of justice and fair play.

Respectfully submitted.

1. That without adverting to facts and merits of contents of the complaint it is submitted that a Complaint no.3 of 2021 titled Amrit Pal Singh Vs Firozpur District Cricket Association and others was pending before Ld. Ombudsman cum Ethic Officer, Punjab Cricket Association, Mohali
2. That on 12-2-2022 the complaint abovesaid was ordered to be dismissed by Ld. Ombudsman cum Ethic Officer, Punjab Cricket Association, Mohali on the basis of a statement made by Ld. Counsel for the complainant , accompanied by an application from the complainant himself. One of the respondents in the complaint abovesaid , Kartikeya Swaroop Mehta was present during the hearing of 12-2-2002. Copy of the order dated 12-2-2002 is Annexure P-2.
3. That on 20-5-2022 the applicant was shocked and stunned to hear that an order , Annexure P-1 , was passed by the then Ombudsman cum Ethic Officer, Punjab Cricket Association, Mohali purportedly on 19-5-2022 whereby not only Complaint No. 3 of 2021 , abovesaid, which was dismissed as withdrawn on 12-2-2002 was restored, **without putting the respondents of the complaint to notice** of that application but the

complaint was disposed off as well on 19-5-2022 itself, within 5 days of filing of application.

4. That Ex-parte order dated 19-5-2022 , Annexure P-1, and so also the order of restoration of complaint, also passed Ex-parte are in gross violation of principle of Natural Justice, Fair Play and Equity. The Office of Ombudsman cum Ethic Officer, Punjab Cricket Association, Mohali is presided over by a person with vast Experience on the Judicial Side and it is always expected from such an authority to follow cherished most basic principles of Jurisprudence of “hear the other side too” before visiting the other side with an adverse order laced with evil consequences. The then Ombudsman cum Ethic Officer, Punjab Cricket Association, Mohali while restoring the Complaint, abovesaid , and while passing impugned order dated 19-5-2022 went against settled principle of Audi alteram partem (or audiatur et altera pars) meaning **"listen to the other side", or "let the other side be heard as well"**. It is the principle that no person should be judged without a fair hearing in which each party is given the opportunity to respond to the evidence against them.

5. The soul of natural justice is fair play in action and it is held in highest esteem throughout the democratic world, wherever rule of Law is guaranteed to its Citizen.

Fair play in action mandated that before any prejudicial or adverse action is taken against a person, he must be given an opportunity to be heard.

6. The Office of Ombudsman-c-Ethics Officer for , inter alia, Punjab Cricket Association has been created by none else than Supreme Court of India and only a person with vast experience on the Judicial side (a Retired High OCurt Judge/ Retd. Distt & Sessions Judge) was designed to occupy that office. It necessarily postulates that basic principles of jurisprudence, dispensation of justice and holding inquiries etc. are to be followed by Ombudsman-c-Ethics Officer but in the case in hand, the then Ombudsman-c-Ethics Officer gave a total go-bye to all such cherished principles and axiomatically settled norms of conducting inquiries.

7. As enumerated above and so also herein after, the then Ombudsman-c-Ethics Officer PCA acted totally unfairly and his procedure did not match with what justice demanded . His impugned actions belie and violate "fairness in all the circumstances" and 'fair play in action' . An opportunity to the respondents to meet with application for restoration of a Complaint , already dismissed and that too dismissed as withdrawn , was indispensable giving them opportunity to file reply /

counter-statement before any adverse order was passed against them.

8. When test of applicability of doctrine of natural justice and fair play has to be applied, there can be no distinction between a quasi-judicial function and an administrative function. The aim of both administrative inquiry as well as quasi-judicial inquiry is to arrive at a just decision and if a rule of natural justice is calculated to secure justice, or to put it negatively, to prevent miscarriage of justice, it has to apply to all Judicial, quasi-judicial and administrative inquiries. It must logically apply to all. No distinction can be made between one and the other and the then Ombudsman-c-Ethics Officer PCA had no right or authority, prescribed or inherent, to flout Natural Justice and Fair play. It is axiom that sometimes an unjust decision in an administrative inquiry may have far more serious consequences than a decision in a quasi-judicial inquiry and hence the rules of natural justice must apply equally wherever the action entails -Civil consequences. In. Associated Cement Companies Ltd. v. P. N. Sharma & Anr [1965] 2 S.C.R. 366 Supreme Court of India approvingly referred to the decision in Ridge v. Baldwin 1964 AC 40 and, later in State of Orissa v. Dr. Binapani 1967 (2) SCR 625 observed that : "If there is power to decide and

determine to the prejudice of a person, duty to act judicially is implicit in the exercise of such power. Meneka Gandhi Vs Union of India 1978 SC 597 an 11 Judges strong bench of Supreme Court has upheld applicability of Natural Justice and Fair play in all such matters where an authority is to proceed against a person affecting his Civil rights. The impugned order has visited the respondents with evil civil consequences without having been afforded with any opportunity to represent or defend themselves.

9. The respondents have not been , still, provided with copy of alleged application for restoration of complaint.

10. Thus the order dated 19-5-2022 , Annexure P-1, does not deserve to be acted upon even for a moment.

As no opportunity ,much less reasonable opportunity, was granted to the applicant in the abovesaid matter it is prayed to your good self to kindly sympathetically consider this application and set aside the order of restoration of Complaint titled Amritpal Singh Vs Firozpur Distt. Cricket Association and so also the impugned order dated 19-5-2022 and *status quo ante*, of the set of circumstances as they stood on 14-5-2022, be ordered to be maintained till further orders and

the application for restoration of complaint No. 3 of 2021, abovesaid, be heard on merits after providing due opportunity to the applicant, in the interest of justice and fair play.

Submitted by



Ajit Kumar

Joint Secretary,

Firozpur Distt. Cricket Association

Respondent No. xii in Complaint No. 3 of 2021

5-6-2022