

To the Ld. Ombudsman-cum-Ethics Officer,  
Punjab Cricket Association,  
PCA Stadium,  
SAS Nagar, Mohali,  
Punjab.

Subject:- Application to withdraw, suspend and keep in abeyance the Order dated 19.05.2022 (Annexure A-1) passed by the Ld. Ombudsman-cum-Ethics Officer, PCA, SAS Nagar whereby the Applicants namely Sh. M.P. Pandove (Applicant No. 1/Respondent No. 1 in Complaint Ref No. PCA/2021/37099) and Sh. R.P. Pandove (Applicant No. 2/Respondent No. 2 in Complaint Ref No. PCA/2021/37099) have been proceeded ex-parte and Applicant No. 1 has been debarred for life from the game of cricket and the Applicant No. 2 has been debarred from participating in the affairs of the Punjab Cricket Association.

RESPECTFULLY SHOWETH:

1. That the Piyush Rana/Complainant had filed a complaint dated 21.06.2021 under Sub-Rules (2) and (3) of Rule 46 of the Memorandum and Rules and Regulations of Association before the Ld. Ombudsman-cum-Ethics Officer, PCA, SAS Nagar, Mohali.
2. That the Ld. Ombudsman-cum-Ethics Officer, PCA, SAS Nagar disposed/decided the complaint vide Order dated 19.05.2022 in the absence of the Applicants wherein the Applicant No. 1 was debarred for life from the game of Cricket and the Applicant No. 2 was debarred from participating in the affairs of the Punjab Cricket Association. Copy of the Order dated 19.05.2022 is annexed herewith as **Annexure A-1**.
3. That the Order dated 19.05.2022 (Annexure A-1) is against the settled principles of natural justice as no opportunity of being heard has been given to the Applicants. The principle of *Audi alteram partem* which means 'hear the other side', or 'no man should be condemned unheard' or 'both the sides must be heard before passing any Order', has been blatantly violated resulting in travesty of justice.

4. That the Hon'ble Apex Court in the case of **A.K. Kraipak and Ors. v. Union of India**, [1970] 1 S.C.R. 457 has held that -

*"the aim of the rules of natural justice is to secure justice or to put it negatively to prevent miscarriage of justice" and justice, in a society which has accepted socialism as its article of faith in the Constitution, is dispensed not only by judicial or quasi-judicial authorities but also by authorities discharging administrative functions. This rule which requires an opportunity to be heard to be given to a person likely to be affected by a decision is also, like the genus of which it is a species, not an inflexible rule having a fixed connotation. It has a variable content depending on the nature of the inquiry, the framework of the law under which it is held, the constitution of the authority holding the inquiry, the nature and character of the rights affected and the consequences flowing from the decision. It is, therefore, not possible to say that in every case the rule of audi alterem partem requires [that] a particular specified procedure to be followed. It may be that in a given case the rule of audi alterem partem may import a requirement that witnesses whose statements are sought to be relied upon by the authority holding the inquiry should be permitted to be cross-examined by the party affected while in some other case it may not."*

5. That it is pertinent to submit that the hearing on the Complaint dated 21.06.2021 filed by Piyush Rana was scheduled for 14.05.2022 and a request for adjournment was made and communicated vide email dated 13.05.2022 to the Ld. Ombudsman by the Counsel for the Applicant Nos. 1 and 2/Respondent Nos. 1 and 2 in the Complaint. Email dated 13.05.2022 is **Annexure A-2**.

6. Thereafter, no response or intimation was received, and the hearing was conducted in the absence of the Applicant No. 1 or his representative/Advocate. In fact, evidence was not led, and the entire proceedings were conducted in a perfunctory manner. Moreover, the Counsel for both the Respondent Nos. 1 and 2-in the Complaint was not present when the hearing was conducted, and the ex-

parte Order was passed. In fact, the Order dated 19.05.2022 records that issues had also been framed, however, there is no proceeding or Order sheet to recorded previously to indicate the precise and exact date on which issues had been recorded.

7. That it is further submitted that the actions of the Ld. Ombudsman are patently illegal and in violation of the settled principles of law. The proceedings before the Ld. Ombudsman scheduled for 14.05.2022 were sought to be deferred in view of the written request submitted by the Counsel for the Applicants herein. Firstly, no response was received from the Ld. Ombudsman, secondly there is no record/proceeding recorded for 14.05.2022. The ex-parte Order dated 19.05.2022 was communicated to the CEO, Punjab Cricked Association on 20.05.2022, who further communicated and conveyed the Order dated 19.05.2022 to the Counsel for the Applicants vide email dated 22.05.2022. It is pertinent to submit that the nomination for election of the members of the Apex Council and Office bearers of the Punjab Cricket Association was scheduled for 19.05.2022 and the scrutiny of the nominations was scheduled for 20.05.2022. It is evident that to defeat and prejudice the rights of the Applicant No. 2 who was a voting member the ex-parte Order dated 19.05.2022 was passed. As a consequence of the said Order the Applicant No. 2 was disqualified/ineligible from voting, proposing and seconding his respective choice of candidate. Therefore, the -ex-parte Order dated 19.05.2022 has seriously prejudiced and caused insurmountable loss to the Applicant No. 2 from participating in the electoral process of the election of Office Bearers and the Apex Council members of the Punjab Cricked Association.

8. It is extremely shocking that vide the Order dated 19.05.2022 the Patiala Cricked Association was held not to be affiliated with the Punjab Cricked Association, although the Patiala Cricked Association was not even a party in the Complaint dated 21.06.2021 filed by Piyush Rana before the Ld. Ombudsman. As a consequence of the ex-parte Order dated 19.05.2022 the nominee of the Patiala


Cricket Association namely Virinder Jit Singh Billing was held to be ineligible and could not participate in the elections for selection of members of the Apex Council of Punjab Cricket Association. It is further submitted that there were seven representatives of district associations who were to be elected as members of the Apex Council of the Punjab Cricked Association. Sh. Virinder Jit Singh Billing was one of the seven nominees and was to be elected unanimously, but was however, held to be ineligible in the scrutiny of documents due to the ex-parte Order dated 19.05.2022. As a result of this the Patiala Cricket Association which was not even a party in the complaint dated 21.06.2021 filed by Piyush Rana against Sh. M.P. Pandove and others has lost out on sending its representative as a member of the Apex Council, which is the decision-making body of the Punjab Cricked Association, for the present term of three years.


8. That in the light of the patent illegalities as pointed out herein above, the Order dated 19.05.2022 (Annexure A-1) deserves not to be acted upon and may kindly be withdrawn and suspended forthwith.

It is therefore, it is most respectfully submitted that: –

- a) The application may kindly be allowed.
- b) The Order dated 19.05.2022 (Annexure A-1) may kindly be withdrawn and suspended forthwith.

Chandigarh  
Dated: 13.06.2022

  
M.P. Pandove  
(Applicant No. 1)

  
R.P. Pandove  
(Applicant No. 2)