

To

The Ombudsman-cum-Ethics Officer,  
Punjab Cricket Association, IS Bindra Stadium,  
Mohali.

Sub :- Representation for withdrawing/setting aside/recalling and keep in abeyance order dated 19.05.2022 (**Annexure A-1**) passed by the Ld. Ombudsman cum Ethic Officer, Punjab Cricket Association, Mohali in case titled as Piyush Rana vs M.P. Pandove & others vide which the respondent no.3 (G.S.Walia) has been debarred from life from game of cricket and respondent no.4 (Janak Raj Sachdeva) has been debarred from participating in the affairs of Punjab Cricket Association.

**RESPECTFULLY SUBMITTED:-**

1. That complaint titled as Piyush Rana vs M.P. Pandove & others was filled under sub rule 2 & 3 of Rule 46 of the rules and regulation of the Punjab Cricket Association against M.P. Pandove, R.P. Pandove, G.S. Walia & Janak Raj Sachdeva. The said complaint was decided by Justice H.S. Bhalla (Retd), then Ombudsman-cum-Ethic Officer, Punjab Cricket Association, Mohali vide order dated 19.05.2022. Copy of order dated 19.05.2022 is attached as **Annexure A-1**.
2. That the Ld. Ombudsman cum Ethic Officer, Punjab Cricket Association, Mohali had disposed/decided the complainant vide order dated 19.05.2022 in the absence of the applicant, wherein the applicant no.3 (G.S. Walia) has been debarred from life from game of cricket and respondent no.4 (Janak Raj Sachdeva) has been debarred from participating in the affairs of Punjab Cricket Association.
3. That order dated 19.05.2022, **Annexure A-1**, is 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 passing impugned order dated 19.05.2022 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.

4. That it is pertinent to mention here that on 09.04.2022, reply to the complainant was filed by the respondent no.3 & 4 and the matter was adjourned to 23.04.2022 for filing rejoinder/replication by the complainant and for recording evidence. The file of the present matter was taken up by the Ombudsman on 21.04.2022 and the matter was adjourned to 14.05.2022 as the Ombudsman was not available on the date fixed i.e. 23.04.2022. Copy of zimni order dated 09.04.2022 & 21.04.2022 is attached as **Annexure A-2 & A-3.**
5. That on 14.05.2022, the counsel for the respondent no.3 & 4 appeared before the Court and sought adjournment for filing evidence in the present matter. The request was considered and allowed by the Ombudsman orally but it was told to the counsel that next date will be informed later as the Ombudsman is not available for few days. However, to the surprise of the respondent no.3 & 4 and his counsel, the Ombudsman passed the impugned order dated 19.05.2022 against the respondents without even affording opportunity to the respondent no.3 & 4 to lead evidence and argue the matter on merits.

Even the date 19.05.2022 was never communicated by the Ld. Ombudsman cum Ethic Officer to the respondent no.3 & 4 or to their counsel. The counsel for the respondent no.3 & 4 never appeared before the Ld. Ombudsman cum Ethic Officer on 19.05.2022 but his presence has been marked in the order dated 19.05.2022 to the reasons best known to the Ld. Ombudsman cum Ethic Officer. The hearing was conducted in the absence of the respondent no.3 & 4 or his representative/counsel. In fact, evidence was not led and the entire proceeding were conducted in a perfunctory manner and ex-parte order has been passed.

6. That it is further submitted that the action of the Ld. Ombudsman cum Ethic Officer are patently illegal and in violation of the settled principle of law. The proceeding before the Ld. Ombudsman cum Ethic Officer was scheduled for 14.05.2022 and counsel for the respondent no.3 & 4 appeared and sought adjournment which was considered and allowed orally by the Ld. Ombudsman cum Ethic Officer and it was told that next date will be communicated but firstly the Ld. Ombudsman cum Ethic Officer did not inform the respondent no.3 & 4 or their counsel regarding the next date secondly there is no proceeding recorded for the date 14.05.2022. The ex-parte order dated 19.05.2022 was communicated to

the CEO, Punjab Cricket Association on 20.05.2022 who further communicated and conveyed the order dated 19.05.2022 to the counsel for the applicant on 22.05.2022. It is pertinent to mention here that nomination for the elections for office bearers and the members of the Apex Council for the Punjab Cricket Association was scheduled for 19.05.2022 and scrutiny of the was scheduled for 20.05.2022. It is evident that to defeat and prejudice the rights of the applicants, the ex-parte order dated 19.05.2022 was passed and communicated to the CEO, Punjab Cricket Association on 20.05.2022. It is extremely shocking that vide order dated 19.05.2022, the Patiala Cricket Association was held not be affiliated to the Punjab cricket Association, although Patiala Cricket Association was not even party to the present matter. As a consequence, to the 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 the selection of members of the Apex Council of Punjab Cricket Association. It is further submitted that there were 7 representative of district association who were to be elected as member of the Apex Council of Punjab Cricket 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 the documents on 20.05.2022 due to the ex-parte order dated 19.05.2022 passed by the Ld. Ombudsman cum ethic Officer. As a result of the aforesaid, the Patiala Cricket Association, who was not even party to the present complaint filled by Piyush Rana against M.P. Pandove and others has lost out sending their representative as a member of the Apex Council, which is the decision making body of Punjab Cricket Association for the present term of three years.

7. That 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.
8. 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 Court 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

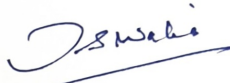
followed by Ombudsman-cum-Ethics Officer but in the case in hand, the then Ombudsman-cum-Ethics Officer gave a total go-bye to all such cherished principles and axiomatically settled norms of conducting inquiries.


9. As enumerated above and so also herein after, the then Ombudsman-cum-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'. 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-cum-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
10. That in light of the patent illegalities and pointed out herein above, the order dated 19.05.2022 (Annexure A-1) deserves not be acted upon and may kindly be withdrawn, set-aside and suspended forthwith.

It is therefore respectfully prayed that:-

- a) The application may kindly be allowed.
- b) The operation/execution of the order dated 19.05.2022 may kindly be withdrawn,, set-aside and suspended, in the interest of justice and fair play.

Mohali  
Dated:

  
(G.S. Walia)

  
(JANAK RAJ SACHDEVA)