

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

Miscellaneous Application No. 3 of 2022

Decided on 3rd Feb, 2024

**(In complaint no. 3 of 2021 titled Amrit Pal Singh
Vs Firozpur District Cricket. Association and
other)**

Application –cum – Representation for withdrawing / setting aside / recalling order dated 19-05-2022 (Annexure A-1) passed by the Ld. Ombudsman cum Ethic Officer, Punjab Cricket Association and other and for ordering *status qua ante, of the sets of circumstances as they stood on 14-05-2022, being maintained till further order and the application for restoration of Complaint No. 03 of 2021, being heard on merits after providing due opportunity to the applicant, in the interest of justice and fair play.

Present:

None of the parties is addressing the arguments and has sought adjournment despite the fact that on the last few dates of hearings, the case was being adjourned at the request of the applicant and for today, arguments are not being addressed. Sh. Gaurav Kathuria has submitted that he has been asked by the applicant to appear on his behalf. Applicant-Ajit Kumar is not present in person. However, his regular counsel Sh. Anuj Ahluwalia, Advocate is sitting in the Court / Office and watching the proceedings. Subsequently, in the course of some conversation, he also intervened which shows a malafide intention on the part of the applicant just to delay the disposal of the instant application. Thus, the undersigned considers it appropriate and justifiable to dispose of the instant application after having gone through and considering the various pleas / assertions raised in the respective pleadings of the parties and documents annexed.

Order

- 1) Through the instant application, applicant-Sh. Ajit Kumar has sought the setting aside / recalling of the order dated 19.05.2022 passed by the then Ombudsman-cum-Ethic Officer and seeking the grant of relief as detailed and described in the head note of the miscellaneous application referred to above. The grouse ventilated through the instant application is that a complaint no. 03 of 2021 titled as "Amrit Pal Singh vs. Firozpur District Cricket Association and Others" was pending before the

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Ld. Ombudsman, Mohali. On 20.05.2022, applicant was shocked and stunned to hear that vide an order dated 19.05.2022, the said complaint was finally disposed of. In fact, original complaint which was dismissed as withdrawn on 12.02.2022 was restored without putting the respondents to notice of the said application for restoration and complaint was disposed off finally within 5 days of the filing of the said application that too, ex-parte. The passing of ex-parte order dated 19.05.2022 (Annexure P-1) and that ex-parte order for the restoration of the complaint are in gross violation of the principles of natural justice, fair play and equity and opposed to the doctrine of *Audi Alteram Partem* which cannot be expected from the Ombudsman, the post of which, is the creation of Hon'ble Apex Court. As such, the same are not sustainable in the eyes of law and being against the principle of natural justice. The same deserves to be recalled / set aside / withdrawn and the complaint be dealt with and be decided on merits after restoration of the original complaint.

- 2) In response to the notice of this application, the respondent Sh. Amrit Pal Singh (Complainant in the main complaint) appeared through his counsel and filed reply raising preliminary objections inter-alia on the grounds that there are only bald and generalized allegations levelled in the application which do not constitute any violation of the principle of natural justice and further that the order for restoration of the original complaint no. 03 of 2021 as well as the final order are legal and well-reasoned. On merits, it has been submitted that complaint was restored on 14.05.2022 and was disposed of on 19.05.2022 that too, on the basis of record as well as the report dated 19.12.2021 submitted by Enquiry Officer appointed in the matter. It has further been asserted in the reply that the applicant as well as his co-respondents in the original complaint did not cooperate with the enquiry officer and also remained evasive during the proceedings pending before the Worthy Ombudsman and prayed for the dismissal of the application.

- 3) I have minutely gone through the various documents available on record and following observations emerge therefrom.

At the very outset it would be pertinent to mention that during the pendency of the complaint, a report was submitted by Mr. Justice B.B.Prasoon, Former Judge,

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P&H High Court who was appointed as an enquiry officer, in the presence of the parties, to enquire into the various aspects/allegations for the judicious disposal of the matter in controversy in the instant case. He submitted a detailed report dated 19.12.2021 which depicts that the respondents in the main complaint including the applicant did not cooperate during the enquiry proceedings and also did not produce any documentary evidence despite they were given sufficient opportunity. The said report was also taken into consideration by the then Ombudsman for the disposal of the original complaint filed by the present applicant as well as another complaint filed by one Yadvinder Singh and both the complaints were disposed of by single order dated 19.05.2022. A detailed discussion also finds in the orders whereby the application for restoration was allowed and subsequently disposed of by order dated 19.05.2022 which has attained finality in view of Chapter IX Article 48(3) of the memorandum of articles of PCA Mohali which reads as under

“The decision of the Ombudsman shall be final and binding and shall come into force forthwith on being pronounced and delivered”


Further there is also no provision made specifically in the memo of articles which governs the parties for review or recalling of the order. Moreover, while dealing such like applications, the Ombudsman is not to act as an appellate authority or as a revisional authority. Otherwise also, from the documents available in file none of the allegations made in the application is established.

In the light of what has been discussed above, this court find no merit in the instant application and the same stands dismissed.

A copy of this order be sent to the concerned parties through Email / WhatsApp in due course. And thereafter, File be consigned to record room.

Pronounced in open court.

3rd February, 2024


(JUSTICE JASPAL SINGH)
(Former Judge)
OMBUDSMAN-CUM-ETHICS OFFICER,
Punjab Cricket Association, SAS Nagar
(Mohali)

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