

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

Amritpal Singh

Vs.

Ferozpur District Cricket Association &
Others.

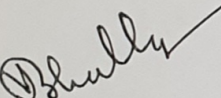
Present : Mr. Sekhar Verma, Advocate, Counsel for the Complainant.
Shri B.K. Mehta in person and on behalf of Respondents No. VII to XII

ORDER

The facts required to be noticed at this stage are that the Chief Executive Officer of PCA (hereinafter referred to as CEO) was directed vide order dated 9th October, 2021 to produce the entire record in a sealed cover pertaining to the Ferozpur/Firozpur District Cricket Association (hereinafter referred to as FZR District Cricket Association) for my perusal.

Record perused and after having gone through the record I find that the record clearly spells out that in the old Articles of Association of FZR District Cricket Association the alphabet "e" has been used in the heading of the Articles of Association which runs as under :-

"Articles of Association of Ferozpur District Cricket Association."

 But under the various clauses of these Articles of Association the alphabet "i" has been used and the spelling of the district has been mentioned as Firozpur. The first para of this Articles of Association runs as under :-

"Founder Members of Firozpur District Cricket Association (hereinafter referred to as FDCA) whose names appear in Schedule A of these articles have DECIDED on this 17th Day of February, 1987 to from FDCA."

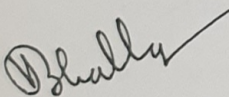
The above quoted para clearly spells out that the Association thought of a clever device with regard to the short form i.e. FDCA so that they may be able to use the name of the Association as per their own convenience as the case may be and in other

words they may be able to give an explanation with regard to alphabet "i" and "e" since in the short form it is not possible to find out the spellings used for this district. Except headnote in the entire Articles of Association the name of the Association has been shown as FDCA or with alphabet "i". I fail to understand as to why this confusion has been created by the Association.

The Articles of Association were amended in the year 2017 after a lapse of 30 years and even then in the heading of the Articles of Association the alphabet "e" has been used and it has been mentioned therein (Ferozpur District Cricket Association) and in the other parts the alphabet "i" has been used along with the short form FDCA. At this stage I would also like to point out that Association was registered with the Registrar of Societies on 26th July, 2005 with alphabet "i". But even then after the registration the Articles of Association floated by the Association after amendment in the year 2017 used the heading of the Articles of Association as "Ferozpur District Cricket Association".

It is admitted case and is also proved on record that this Cricket Association obtained a PAN card on 17.02.1987 and they have been using this PAN card by using alphabet "e" and the name of the Association incorporated in this PAN card runs as under:-

"Ferozpur District Cricket Association".

 The account was also opened by the Association with the local Bank by using alphabet "e". The Association informed the PCA regarding change of local address and about its two email IDs of the FZR District Cricket Association and as per the record of the PCA in the local address alphabet "e" has been used which runs as under :-

"32, Kriti Nagar, Ferozpur City – 152 002

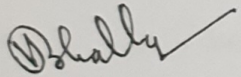
1. fzrdca@gmail.com
2. fzrdca@yahoo.com".

Another letter is available on record dated 12.03.2021 where the letter head runs as under :-

"Ferozpur District Cricket Association (Regd.),
32, Kirti Nagar, Ferozpur City."

Even the stamp available on this letter is with alphabet "e" in spite of the fact that the Association was registered with alphabet "i" in the year 2005. Another letter head is available which is written by the Joint Secretary to the CEO, PCA and in this letter head alphabet "i" has been used meaning thereby that they are using alphabets as per their own convenience and comfort.

It has been categorically pleaded in the complaint that the District Cricket Association in question is running two parallel Cricket Associations using the same PAN card with the same number with different name using alphabet "i" and "e" as per their convenience and while corresponding with the PCA the short form FDCA has been used deliberately in order to create confusion with regard to its full form. All these facts above have created a ring of doubt around the working of the Association in question.

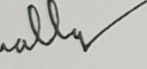
 The allegations in the complaint are of serious nature and as discussed above and at the cost of repetition two entities namely Ferozpur District Cricket Association and Firozpur District Cricket Association are using same PAN Number and with the date of same date of incorporation i.e. 17.02.1987. In the earlier PAN Card alphabet "e" has been used and one fine morning the Association for the reasons best known to them approached the competent authority with a change request in the PAN Card and in the month of May, 2021 has obtained the PAN Card with alphabet "i" and change request email ID was disclosed as fzrdca@yahoo.com.

In order to arrive at the right conclusion and to clear the dust, the discreet inquiry is required to be conducted, before proceeding further in this complaint. To my mind fair chance should be given to the Association to clear all the doubts and confusion

which have been created by them as discussed above during the course of inquiry. Moreover, the appointment of the Inquiry Officer is not being opposed by the learned counsel for the Respondents and it has been categorically pleaded in his reply that the Respondents No. 8 to 12 convey their willingness to allow the application as prayed for, as permissible under the Memorandum of Association of PCA, governing law and rules.

I would not like to observe further in this regard else it might prejudice the parties as the complaint is pending and final decision is yet to be taken after obtaining fact finding inquiry report from the Inquiry Officer.

The Chief Executive Officer is directed to appoint an Inquiry Officer immediately to look into the affairs of the Association in question. Keeping in view the allegations levelled in the complaint the Inquiry Officer would be at liberty to inspect the record of the PCA and the record of the Association. The President and Secretary of the Association shall give full cooperation to the Inquiry Officer during the course of inquiry. It is further directed that the CEO shall take prior approval of this forum (The Ombudsman-cum-Ethics Officer, PCA) with regard to the name of the Inquiry Officer. The Inquiry Officer shall expedite the inquiry expeditiously as early as possible, maximum with in a period of six months.

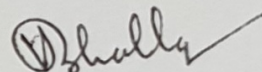
 Keeping in view the facts and circumstances discussed above and in the interest of justice the Ferozpur District Cricket Association and Ferozpur District Cricket Association is ordered to be suspended till further orders and it is further directed that the Respondents in their individual capacities being members or as office bearers of PCA and the Ferozpur District Cricket Association and Ferozpur District Cricket Association or their representatives in PCA shall not be entitled to participate or attend any meeting, decision making process of PCA and shall not be permitted in any of the Committees/Sub Committees envisaged under the Rules and Regulations of the PCA till further orders.

At this stage I would like to observe that in view of this order the FZR District should not suffer in any manner and the show must go on and moreover the District must participate actively and since the Associations have been suspended, an alternative arrangement is required to be made for working of the FZR District Cricket Association, therefore, the CEO is further directed to make an alternative arrangement in this regard.

Before I part with this order of mine, it is made clear that the observations made hereinabove, shall not affect the rights of the parties in any manner and shall have no bearing on the ultimate decision of the complaint.

This file now be put up before me on 6th May, 2022 at 11.00 AM.

Copy of this order be supplied to the learned counsel for the parties.



Justice H.S. Bhalla
(Former Judge)

Ombudsman-cum-Ethics Officer,
Punjab Cricket Association, Mohali.

Date: 26th October, 2021.