

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

Registered on 13.07.2021

Decided on 24.10.2024

Ashok Singla S/o Hem Raj R/o House No. 14097-A, Gali No. 7, Ward No. 20, Ganesh Nagar,
Bathinda

.....Complainant

Versus

- i) Arun Wadhawan S/o Jeet Mal, General Secretary, Bathinda District Cricket Association
- ii) Bathinda District Cricket Association, Through its Honorary Secretary, 189, Ganpati Enclave,
Dabwali Road, Bathinda.

..... Respondents

Subject: Application for direct to convene the election for Bathinda District Cricket Association by appointing special convener or observer to protect the future of youth upcoming cricketer as the body have grabbed by Bathinda Congress President namely Arun Wadhawan by high jacking the post by violating the constitution of Bathinda District Cricket Association.

Present: None.

Jaspal K
24/10/24

ORDER

In nutshell, the facts giving rise to the instant complaint are that Bathinda District Cricket Association (for short 'BDCA') was created in year 1976 by its founder members Prof. Y.L. Chopra and Sh. O.D. Sharma, which was subsequently got registered with Assistant Registrar of Societies, Bathinda, Punjab bearing No. 284 of 2006 when Late Sh. Jeet Mal was elected as President of BDCA. There were about 70 members at that time. Thereafter, in the year 2009, an election was convened of the BDCA, in which, Late Sh. Jeet Mal, father of the Respondent- Arun Wadhawan was unanimously elected as President. However, in the month of August 2019, General Secretary Sh. O.D. Sharma was taken away by nature, whereas President Sh. Jeet Mal breathed his last in year 2020.

It has further been averred that in fact, Late Sh. Jeet Mal during his life time never managed the affairs, particularly relating to financial transactions of the bank account of the BDCA, which, in fact, were undertaken by the Complainant Sh. Ashok Singla and the bank account was operated by him (Ashok Singla), Sh. Y.L. Chopra and Sh. O.D. Sharma. The purported letter dated 07.09.2019 (Annexure - A-1) and the list of 24 persons, bearing signature of Sh. Jeet Mal in Hindi script (though he used to sign in Urdu script). However, an intimation sent through email by Sh. Arun Wadhawan on 10.09.2019 to Punjab Cricket Association (for brevity PCA) shows the number of members as 17 only instead of 24, which clearly depicts manipulation and fabrication of records and attracts the commission of an offence U/S 467, 468 and 471 IPC. Subsequent there to, he proclaimed himself as

Secretary of BDCA and passed resolution dated 28.09.2019 (Annexure – A-2), while sitting in Civil Lines club Bathinda, under the political shelter of the congress party.

Thereafter on 10.01.2021, under the political influence of the congress party Sh. Surdarshan Kumar alias Darshan Ghuda was appointed as President of BDCA illegally, arbitrarily and capriciously that too, without holding of any election in accordance with the provisions contained in the Constitution of the BDCA. Now, S/Sh. Arun Wadhawan and. Surdarshan Kumar @ Darshan Ghuda are indulging in introducing new members only to get 2/3 majority and are trying to amend the provisions of the Constitution of the BDCA (Annexure – A-7).

It has further been stressed by the complainant that in fact, the old committee members had proposed him (Ashok Singla) as officiating Honorary Secretary on 14.09.2019 for vote of thanks, out of 15 members of the Executive Body of BDCA 10 members have accepted his name. Thereafter, 31 members out of about 60 members have given the vote of confidence in his favour and passed resolution for his appointment as General Secretary till the convening of elections and this fact was conveyed to PCA, Mohali vide an email Annexure – A-3. The rest of the members of BDCA had already left this world.

Subsequently, on 28.09.2019, a request was made to PCA, Mohali for holding election of the Office bearers of BDCA as per the Constitution to save the association and prospects of the budding players vide letter Annexure – A-5, but no response was heard from the PCA. Sh. Arun Wadhawan and Sh. Surdarshan Kumar @ Darshan Ghuda are enrolling the members of their choice in the BDCA just for getting youth support to influence the voters in the assembly elections to be held in 2022. With the aforesaid allegations, the complainant has sought the following relief:

“It is requested that kindly direct to convene the election for Bathinda District Cricket Association by appointing special convener or observer to protect the future of youth upcoming cricketer as the body have grabbed by Bathinda Congress President namely Arun Wadhawan by high jacking the post by violating the constitution of Bathinda District Cricket Association and seize the affairs from the hands of illegal grabbed immediately by initiating abyss probe against culprit persons for fabrication of false signature of Jeet Mal president for Self-proclaiming persons by Arun Wadhawan.”

In response to the notice issued to the Respondent, Sh. Arun Wadhawan, General Secretary, BDCA appeared and filed reply denying the various allegations unfolded in the complaint. However, it has been admitted that the BDCA was got registered with the Assistant Registrar of Societies, Bathinda, Punjab in the year 2006 and at that time, S/Sh. Jeet Mal and O.D. Sharma were President and General Secretary of the BDCA respectively and there were 70 members of the association. Subsequently, in the General Body meeting dated 27.12.2009, election of Office bearers of the Association took place, in which, Sh. Jeet Mal was elected as Life-time President, whereas Sh. O.D. Sharma was elected as Life-time Honorary Secretary of BDCA. However, it has been alleged that on an unfortunate demise of Sh. O.D. Sharma, meeting of Executive Committee was held on 07.09.2019 to pay homage to him and in the same meeting, respondent was appointed as Acting General Secretary in view of Clause 14 (v) of the Constitution of BDCA (Ex – A-7). It was also resolved to call an Annual General Meeting (General Body) on 28.09.2019 under the presidentship of Sh. Jeet Mal. In said General Body meeting, respondent was unanimously elected as General Secretary of BDCA. It has also been unfolded in the reply that since Sh. Ashok Singla had withdrawn a huge amount by fabricating documents and signatures, disciplinary action be also initiated against him, as the bank account could have only been operated by two office bearers out of three office bearers i.e. President, General Secretary and Cashier. At the time, complainant operated the bank account, Sh. O.D. Sharma, General

Secretary had already expired, whereas Sh. Jeet Mal, President did not sign any of the cheques and amount was withdrawn by complainant to the tune of Rs. 3.00 Lacs from the BDCA account in connivance and collusion with the bank officials. It has further been submitted that earlier a Women Cricket Association was constituted, which was subsequently dissolved. Due to said reason, Executive Committee meeting was called on 29.09.2019 in which, Clause 16 of the constitution was to be amended for the enrolment of new members. Accordingly, Executive Committee also decided to call an Extra-ordinary General Meeting of the House which was held on 23.12.2019 and the members unanimously agreed to amend Clause 16 of the Constitution whereby strength of members was enhanced/increased from 70 to 100 and an information in this regard was sent to Assistant Registrar of Societies, Bathinda, Punjab.

It has further been submitted that alleged meeting called on for 14.09.2019 was not at the instance of either the President or General Secretary, who were competent and authorized persons to call meeting of the Executive Committee. In fact, Sh. Ashok Singla, in connivance and collusion with some of his friends, manipulated minutes dated 14.09.2019, whereas no such meeting on said the date and was held. Otherwise also, it was not in consonance with the provisions contained in the Constitution.

As regards, the allegations of irregularities in the so called election of the President and Secretary in the meeting held on 10.01.2021, it has been submitted by the respondent that the same are absolutely wrong. In fact, Sh. Surdarshan Kumar @ Darshan Ghuda was appointed as President, whereas the respondent Arun Wadhawan who was earlier working as Acting General Secretary of BDCA and other Office bearers were allowed to continue as such. The respondent, accordingly prayed for the dismissal of the complaint.

Rejoinder was filed controverting the allegations raised in the reply and reiterating those contained in the complaint. From the pleadings of the parties following issues for determination were framed by the then Ombudsman-cum-Ethics Officer, PCA.

1. Whether the elections of the Bathinda Cricket Association held on 10th January, 2021 took place in accordance with the law and Constitution of the Bathinda District Cricket Association, if so its effect ?
2. Relief

In order to prove his case, the complainant Sh. Ashok Singla himself stepped in the witness box as CW1 and produced his sworn affidavit EX CW1/A. Various documents Ex C-1 to Ex C-6. Though, he examined Sh. Jas Pal Rai CW2, who furnished his sworn affidavit CW2/A but he did not turn up for his cross examination. As such his statement is of no evidentiary value and it cannot be taken into consideration.

To rebut the evidence adduced by the complainant, Sh. Arun Wadhawan appeared in witness box as RW1 and furnished his sworn affidavit EX RW1/A alongwith various documents Ex R-1 to Ex R-21.

I have meticulously gone through the pleadings, documents as well as the written arguments submitted by both the parties in support of their respective claim(s). My findings on the aforesaid issues are as under:

Issue No. 1

Jaspal K
24/10/24

Onus to prove the issue heavily lies as per the complainant and in order to discharge the same he himself appeared in the witness box as CW1 and submitted his sworn affidavit EX CW1/A. However, Ex C-1 to Ex C-6 came on record during his cross examination.

At the very outset, it would be appropriate to mention that the claim/relief sought by the complainant is that the election for the post of President and General Secretary held on 10.01.2021 was not conducted in accordance with law and the procedure contained in the Constitution of BDCA. Whereas during the course of evidence, as well as in the arguments, even the prior proceedings have been assailed. But it is an undisputed fact that Sh. Jeet Mal was the President during the days Sh. O.D. Sharma, General Secretary of BDCA left this world and it was a formal meeting rather a 'shok sabha' to pay homage to the departed soul, on 07.09.2019, in which, Sh. Arun Wadhawan, who was already a Joint Secretary of the BDCA was authorized to act General Secretary, otherwise also on the demise of General Secretary, the Joint Secretary of the Association is deemed to act/perform the functions of the General Secretary in the light of Clause 14 (v) of the constitution Ex C-2 which reads as under:

“14. Powers and Functions of the Office Bearers:-

XX

v) HONY. JT. SECRETARY

He will assist the Hony. Gen. Secretary in discharging his duties and in his absence, will act as Hony. Gen. Secretary. He will discharge all duties assigned to him by the Executive Committee.

XX”

Jaspal S
24/10/24

As far as the resolution dated 28.09.2019 Ex R-2 is concerned a perusal thereof makes it crystal clear that it was not the election of General Secretary, rather, the previous resolution dated 07.09.2019 (Ex – R-7) was affirmed and respondent Sh. Arun Wadhawan was authorized to continue as officiating/acting General Secretary according to the Constitution of BDCA. In fact, Sh. Arun Wadhawan was admittedly the Joint Secretary of the Association at the time of the demise of Sh. O.D. Sharma, General Secretary of the Association, he automatically stood authorized to act as General Secretary of the Association. No election process is required in such a situation to authorize Joint Secretary to act as the General Secretary. In such circumstances, resolution dated 28.09.2019 (Ex-R-2) cannot be faulted with. Moreover, this fact has also been admitted by the complainant when he was cross examined as CW1.

Now coming to another allegation that complainant was authorized by 31 members to act as General Secretary and an information in this regard was sent to PCA, Mohali pales into insignificance. In view of the provisions contained in the constitution of the BDCA referred to above. Otherwise also, under Clause 10 of the Constitution, meeting of the BDCA can only be called by the authorized Office-bearers i.e. the President or General Secretary. Complainant was not holding any such position at any point of time. Instant complaint is nothing but appears to be outcome of the frustration of the complainant and his near & dears.

Now coming to the election allegedly held on 10.01.2021. In this context, undisputedly, Sh. Jeet Mal expired in the month of October 2020 and after his demise, no election was held. However, a Annual General Body Meeting was called at Cops Club, Bathinda on 10.01.2021 and a notice dated 15.12.2020 was issued/circulated amongst the members of

the association and in the said meeting of General House, Sh. Surdarshan Kumar @ Darshan Ghuda who was already the Chairman of the BDCA was unanimously authorized to act as President of the BDCA. The said meeting was also attended by Sh. Ashok Singla, Complainant as well as Sh. Jas Pal Rai who did not present himself for cross examination and their names figure in the attendance register dated 10.01.2021 (Ex- R-27). Whereas, the respondent Sh. Arun Wadhawan was also authorized to continue as General Secretary of the BDCA till the next election are held.

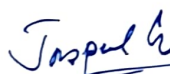
Here it would be pertinent to mention that the election of the BDCA has already been conducted in the month of February 2024 and this fact could not be denied by either of the parties. The relief sought in instant complaint is noting but to get an election conducted of the Office bearers of the BDCA by appointing Special convener or observer. Since, the election of the BDCA has already been conducted, the complaint otherwise stood rendered infructuous.

There is another aspect which requires to be reflected here. In the so called election dated 10.01.2021, Sh. Surdarshan Kumar @ Darshan Ghuda was appointed as President, who was already working as Chairman of the BDCA after the demise of Sh. Jeet Mal, former President of BDCA. Whereas, other Office-bearers were also authorized to continue as such. In fact, there was no election of the post of General Secretary and Sh. Arun Wadhawan was not appointed or elected as a new General Secretary. Since, there was no elections of the General Secretary, instant complaint falls to the ground. Otherwise also neither the appointment of Sh. Surdarshan Kumar @ Darshan Ghuda who was appointed as President has been challenged nor any relief has been claimed against him. In case the complainant was not satisfied with the continuation of the Office-bearers of the BDCA as per resolution dated 10.01.2021, he should have challenged the entire proceedings. He has not touched any other Office-bearers except Sh. Arun Wadhawan, General Secretary of BDCA in the instant complaint. Moreover, he stands estopped from filing such a complaint against one of the Office-bearers particularly when he was present in the meeting and appended his signatures in the attendance register dated 10.01.2021. Thus, taking into consideration aforesaid discussion it can be safely concluded that the complainant has failed to established that the so called election dated 10.01.2021 is not as per the Constitution of the BDCA. This issue is accordingly, decided against the complainant-Sh. Ashok Singla.

2. Relief:

In view of the may findings on the aforesaid issue, the undersigned does not find any merits in the instant complaint. As such, it stands dismissed.

Date: 24.10.2024


(Jaspal Singh) . 24/10/24
Former Judge Punjab & Haryana High Court, Chandigarh
Ombudsman-cum-Ethics Officer, PCA