

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

Registered on 30.07.2024

Decided on 04.12.2024

Anubhav Khanna

.....Complainant

Versus

Daksh Prem Azad

..... Respondent

**Subject: Application for removal of Daksh Prem Azad as one of the members of PCA and
as chairman of Fatehgarh Sahab Cricket Association**

ORDER

By virtue of this order, undersigned intends to dispose of an application/complaint moved by Mr. Anubhav Khanna – Complainant, for removal of Mr. Daksh Prem Azad as one of the members of PCA and as Chairman of Fatehgarh Sahib Cricket Association on account of the fact that he has been appointed as Assistant Advocate General in the Office of Advocate General of Punjab, Chandigarh in the month of February 2024. It has been averred in the complaint that since the post of Assistant Advocate General held by the respondent Mr. Daksh Prem Azad is a Government post, he falls within the ambit of a “Govt. Servant” and as defined in Section 14 (6) of the Constitution of the Punjab Cricket Association under heading Election and Terms of Office Bearers; he stands disqualified from being an Office Bearer or members of Apex/Governing Council. He has committed grave indiscipline even by refraining from giving information in this regard to the PCA, as such he deserves to be dismissed from the post of Honorary Secretary of Fatehgarh Sahib District Cricket Association as well as the membership of the Apex Council of PCA.

On the other hand, the respondent Mr. Daksh Prem Azad has admitted his appointment as Assistant Advocate General but has denied that his post falls within the definition of Govt. Servant, as the same is contractual one. However, during the course of arguments it has emerged that the respondent has already resigned from the post of Honorary/General Secretary of Fatehgarh Sahib District Cricket Association way back in the month of November 2022 and presented a copy of resignation submitted by him to the President, Fatehgarh Sahib District Cricket Association, which was accepted but to verify the submission of resignation and further who is performing the functions of Honorary/General Secretary of Fatehgarh Sahib District Cricket Association after November 2022, a report was called and received from the office through Mr. Ajay Thakur, Manager, CEO Office who is attached with the undersigned, from which it came to light that Mr. Gurpreet Chugh was nominated unanimously/unopposed as Honorary/General Secretary for the remaining term i.e. upto 31.03.2026 and the entire correspondence in this office is being received under his signatures.

This fact makes it crystal clear that the respondent Mr. Daksh Prem Azad was not the Office Bearer of Fatehgarh Sahib District Cricket Association when he accepted the appointment as Assistant Advocate General and joined as such. Thus, there is no force in this complaint, so far as his disqualification from the Office Bearer of Fatehgarh Sahib District Cricket Association is concerned.

As regards, the other aspect that Mr. Daksh Prem Azad is also one of the member of the Apex Council of PCA, the procedure has been prescribed under section 48 (1) (c) which is required to be adopted by an aggrieved person and approach the Apex Council and the Chief Executive Officer before referring the matter, if Apex Council so desires, after due consideration of the enquiry report submitted by the CEO, may refer the same to Ombudsman/Ethics Officer. Thus, the complainant if so desires, is at liberty to avail the said remedy or any other efficacious remedy provided under law.

In such a situation it would not be desirable to render any observation or finding at this stage, whether the appointment as Assistant Advocate General falls within the ambit of a 'Government Servant' or not. With the aforesaid observations, the instant complaint stands disposed of.

A copy of the order be conveyed to the parties through email/WhatsApp for information and upload on Official PCA website. And thereafter, File be consigned to record room.

Date: 04.12.2024

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