
(2014) 11 KAR CK 0290

In the Karnataka High Court

Case No : Writ Petition No. 40400/2013 (GM-RES)

G. Venkataravanappa

APPELLANT

Vs

The Government of Karnataka

RESPONDENT

Date of Decision : 20-11-2014

Acts Referred:

Citation : (2014) 11 KAR CK 0290

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : A.J. Srinivasan, Advocate for the Appellant; I. Tharanath Poojary, Advocate for the Respondent

Judgement

S. Abdul Nazeer, J.—The petitioner is a physically challenged person born in a remote village called Thotliganahalli, Kolar District, with congenital deformity of disability in both legs beneath the hips. He is working in BEL as a Draughtsman-Mechanical. He had over the years excelled in the field of sports for physically challenged in athletics i.e. weight lifting, shot put, javeline and discuss throw. He started from the State level sports for physically challenged and in a short time went on to the Zonal level, National level and represented India in Asian-Pacific Games, the World Championships and the Para Olympics and even won medals in many of the events. He is also the recipient of many awards in sports.

2. The contention of the petitioner is that he did not receive commensurate financial support, encouragement and recognition that was legally due to him. He had to spend heavily for his training and spent huge amounts of money from his pocket towards flights, accommodation and other incidental expenses to participate in various National and International sporting events, which he did and the same resulted in winning medals and awards both at the National and International levels. It is further contended that the second respondent issued guidelines at Annexure "A" dated 6.11.2002 fixing cash awards to sports persons, who have won medals in the National and International sports events from the State as an incentive to them. The first respondent implemented the

said guidelines and has recommended payment of cash awards to various sports persons from the year 1999 onwards and enhanced the cash award amount from year to year. The petitioner was also entitled for the cash awards for the medals obtained by him from the year 1999 on the basis of the aforesaid guidelines.

3. It is further contended that the petitioner being aggrieved by the action of the first respondent in arbitrarily and discriminately not giving the cash awards to him inspite of him being the most entitled, made several personal visits and written representations to various authorities. However, the said representations had not been considered by the authorities. Therefore, he filed a writ petition before this Court in W.P. No. 29882/2011 seeking a direction to the first respondent to give him cash awards as per his entitlement. This Court by order dated 16.3.2012 directed the respondents to consider the representation within a time frame. Thereafter, the petitioner was given cash awards of Rs. 2,50,000/- in respect of two medals received by him in the year 2009. The respondents have failed to give cash awards for the medals won by him from the year 1999 to 2006. His claim for payment of a total sum of Rs. 13,00,000/- towards cash award has been rejected by the second respondent as per the communication at Annexure "AF" dated 25.6.2013. Therefore, petitioner has filed this writ petition for quashing of the said order and also for a direction to the respondents to grant the remaining amount of cash prize as per his representation at Annexure "Z" dated 6.8.2012. He has also sought for a direction to the second respondent to frame Rules for fixing the cash awards for the medal won by athletes participating in National and International sports events including the Rules meant for physically challenged sports persons.

4. Learned Counsel for the petitioner would contend that the respondents have failed to give him cash prize for the awards won by him right from the year 1999 to 2006. It is argued that for the two awards won by the petitioner in the year 2009, a sum of Rs. 1,25,000/- each has been given to him. However, cash awards have been given to other sports persons as per the communication at Annexure "A" dated 6.11.2002. It is further submitted that suitable guidelines have to be framed for fixing the cash awards for the medals won by the athletes in the National and International sports events in order to avoid discriminatory treatment to the athletes.

5. On the other hand, learned AGA appearing for the respondents submits that no guidelines have been framed by the State Government for fixing cash awards for the medals won by the participants in the National and International sports events. It is argued that petitioner has been given suitable cash awards for the medals won by him in the National and International sports events.

6. I have carefully considered the arguments of the learned Counsel made at the Bar and perused the materials placed on record.

7. Petitioner has won several medals in the International Games. He has been given award for winning bronze medal in javeline throw and discuss throw in the

year 2009. The details of the medals won by the petitioner in the international sports events is at Annexure-K, which is as under:

8. Annexure "A" is a communication sent by the second respondent to the first respondent suggesting the payment of cash prize for winning the medals in National and International events. It also includes suggestions for payment of cash awards for winning the medals in the National and International events by the physically challenged persons. Since there are no guidelines, on 28.2.2014, this Court passed an order suggesting the respondents to take a policy decision and to frame guidelines, which would guide and bind the Department of Youth Services/Sports Authorities. The said order is as under:

"The contentions urged and the defence taken by the respondents through their objection statement would disclose that there is no definite orders or guidelines formulated by the Government with regard to the incentives to be provided to the physically challenged Sports persons depending on their participation in the National Games/Asian Games/Olympics or such other Games/Sports at the World Level. The payments which have been made presently have all been decided on case to case basis. This in fact provides too much of discretion to the Department of Youth Services and would also lead to favouritism and the persons who are in the good books getting benefit of the recommendations.

Hence, it is necessary that the first respondent would have to take a policy decision and a policy/guidelines would have to be formulated by the Government which would guide and bind the Department of Youth Services/Sports Authorities. The said decision would have to be taken at the level of the first respondent.

Learned Government Advocate may bring to the notice of the first respondent the deliberations that was done during the course of hearing and require the first respondent to consider these aspects of the matter."

9. Admittedly, the first respondent has not framed the guidelines so far. Be that as it may. It is clear from the aforesaid chart that petitioner has won several medals in the International events from 1999 to 2009. A sum of Rs. 1,25,000/- each has been given to the petitioner for winning bronze medals in two International events in the year 2009. No reasons have been assigned as to why the cash prize has not been given to the petitioner in respect of other International events. I am of the view that the respondents have to reconsider the matter. They should also consider framing of guidelines guiding the Department of Youth Services/Sports Authorities in relation to payment of cash prize for winning the medals in the National and International sports events.

10. In the result, the writ petition succeeds and it is accordingly allowed in part. The endorsement at Annexure "AF" dated 25.6.2013 passed by the second respondent is hereby quashed. The matter is remitted back to the second respondent for fresh consideration in accordance with law and the light of the observations made above. No costs.