
(2025) 09 P&H CK 0860

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 26868 Of 2018, 604 Of 2019

Virender Singh And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 29-09-2025

Acts Referred:

Citation : (2025) 09 P&H CK 0860

Hon'ble Judges : Harsimran Singh Sethi, J;Vikas Suri, J

Bench : Division Bench

Advocate : Ajay Verma, Siddharth Bhukkal, S.S. Momi, Sandeep Chhabra

Final Decision : Allowed

Judgement

Harsimran Singh Sethi, J

1. This order shall dispose of two writ petitions i.e. CWP-26868-2018 and CWP-604-2019 as the issues involved in both these cases are same. Both the cases are heard together with the consent of learned counsel for the petitioners and are being decided by common judgment. For reference, facts have been taken from CWP-26868-2018.

2. In the present petition, the challenge is to the notification dated 12. 04.2018 (Annexure P-6/A), by which the notification dated 10.05.2017 (Annexure P-6) treating the Deaflympics Games qua cash awards, to be at par with the Paralympic games, was withdrawn ab-nitio from the date of the issue of the same.

3. Learned Counsel for the petitioner in CWP 26868 of 2018 argues that the withdrawal of policy (Annexure P-6) with retrospective effect is causing prejudice to the petitioners as the petitioner No. 1 had won Gold medal at the 23rd Summer Deaflympics, Samsun from July 18-30, 2017 and also won Gold medal at the 4th Deaf Senior Greco-Roman Freestyle Championship, Tehran, Iran (World Championships) from May 6-11, 2016. Similarly, petitioner No. 2 won

Bronze Medal at the 23rd Summer Deaflympics, Samsun. In CWP 604 of 2019, the petitioner had won Bronze Medal at the 23rd Summer Deaflympics, Samsun from July 18-30, 2017 and also won Bronze medal at the 5th World Deaf Senior Wrestling Championships held in Vladimir, Russia, but cash award is being denied.

4. Learned counsel for the petitioners argues that the benefit of cash award which accrued to the petitioners on account of winning medals and bringing laurel to the country is not being extended and rather even the notification dated 10.05.2017, by which Deaflympics Games were to be treated at par with Paralympics, for grant of cash award, was withdrawn and that too with retrospective effect. Hence the impugned order may kindly be set aside and Deaflympics Games be treated as equivalent to Paralympics up to the date of withdrawal can only be prospective of the policy on 12.04.2018 as withdrawal of the policy dated 10.05.2017.

5. We have heard learned counsel for the parties and have gone through the record the case with their able assistance.

6. Certain incentives have been given to the sportspersons, who are specially abled. Claim of such sports persons for grant of cash award upon winning medals were covered in terms of the cash award admissible under the Paralympics, who have participated in the Paralympic Games and were winners. Keeping with the fact that in the Deaflympics also, the sportsmen who are suffering with the disability of being Deaf, are only allowed to participate, the State took a decision while issuing the notification dated 10.05.2017 treating the Deaflympics Games equivalent to Paralympics Games for purpose of grant of the cash award.

7. The petitioners, who had participated in the Deaflympics Games and won medals therein, claimed the benefit under the notification dated 10.05.2017 for the grant of the cash award, which was not granted to them. After the said claim was raised by the petitioner, the Government withdrew the said notification dated 10.05.2017 by way of issuing notification dated 12.04.2018. The withdrawal of the notification dated 10.05.2017 was with a retrospective effect i.e. from the date the same was issued. In the reply submitted by respondent, the reason given for the withdrawal of the same is that the same was issued without the approval of the Competent Authority hence, the same was withdrawn.

8. Once, the said policy dated 10.05.2017 was issued at the hands of an Additional Chief Secretary, Government of Haryana, it cannot be said that the said policy was issued without the approval of the Competent Authority. Further, nothing has been mentioned in the reply also, as to which Competent Authority was required to approve the said notification before the issuance of the same which process is not followed. The reply is silent on the said aspect.

9. Further, once the said policy dated 10.05.2017 has been issued, the same has birthed a right to the sportsperson participating in Deaflympics to claim the cash award upon winning medals in accordance to said policy. The sportsperson, who participated in the Deaflympics and won medal therein, were entitled for the

grant of the cash award in equivalence to what was to be granted to the medal winners in the Paralympic Games. It is not denied by the respondents that the petitioners are entitled for the said benefit in case, the notification dated 10.05.2017 is kept intact. The denial of the said benefit is only on the ground that the said policy dated 10.05.2017 had to be withdrawn on the ground that the same was issued without approval from competent authority and that to with retrospective effect. In case withdrawal of the policy dated 10.05.2017 prospective i.e. from 12.04.2018, then also petitioners become entitled for the benefit of cash award.

10. The question which arises before this Court is whether a right accrued in favour of one can be taken away by a retrospective withdrawal of the notification dated 10.05.2017 vide which the said right had been accrued. In the present case, the only reason being given for the withdrawal of the policy dated 10.05.2017 with retrospective effect is that the same was issued without approval from competent authority. Further, nothing has come on record to show that which was the Authority that was required to approve the said policy and had not approved the same before the issuance of the same keeping in view the fact that the said policy remained in operation for a period of approximately 11 months before it was ultimately withdrawn.

11. A bare perusal of the notification dated 10.05.2017 would show that the said policy was issued at the hands of the Additional Chief Secretary, Government of Haryana, Department of Sports and Youth Affairs. In case, the said policy was issued without approval from appropriate authorities, what action the respondents have taken against the said authority for issuing a policy without the approval of the Competent Authority. No such action has been taken by the respondent to convince this court that the policy dated 10.05.2017 was issued without the approval of the Competent Authority, especially when no such Competent Authority has not been described by the respondents even in the reply so as to ascertain whether the ground taken by the respondent to withdraw the policy dated 10. 05.2017 is factually correct.

11. Keeping in view the totality of the circumstances, the notification dated 12.04.2018 can only be treated to be given effect prospectively and not retrospectively under any circumstances. Hence, the petitioners, who claimed the benefit of the cash award for the tournament in which they have participated and won medals, keeping in view the notification dated 10.05.2017, is perfectly valid and legal and they are entitled for the grant of the said benefit. The said policy dated 10.05.2017 will only be treated as non-existent starting from 12.04.2018 onwards, but the same cannot be withdrawn retrospectively so as to deny the benefit to the sportsperson, who are specially abled and have played for the country and have won medals. Rather than granting them the incentives, the Government has gone the other way round which cannot be accepted or appreciated.

12. Keeping into the totality of the fact and circumstances, the respondents are

directed to consider the claim of the petitioner for the grant of incentives, as admissible to them, by treating the notification dated 10. 05.2017 valid up to 12.04.2018. Whatever benefit accrues to the petitioners upon the grant of the cash award, should be looked into and appropriate order be passed within a period of eight weeks of the receipt of the copy of this order. In case, any benefit admissible is yet to be released, the same be released forthwith.

13. The writ petitions are allowed, accordingly.

14. Photocopy of this order be placed on the file of connected case.