

**No.42/09/2019-4GS-I
HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(GENERAL SERVICES-I BRANCH)**

Dated Chandigarh, the 10th November, 2020

To

1. All the Administrative Secretaries to Government Haryana
2. All the Heads of Departments,
3. All the Managing Directors/Chief Administrators of all the Boards/ Corporations in Haryana State.
4. All the Divisional Commissioners in the State of Haryana.
5. All the Deputy Commissioners in the State of Haryana.
6. All the Registrars of Universities in Haryana.

Subject: Regarding joining of Group D candidates in ESP Quota - LPAs-1332 of 2019 (O&M) in CWP. No.23249 & other connected (O&M)-State of Haryana and another Vs. Shankar and others.

Sir/Madam,

I am directed to invite your attention to Government letter of even number dated 22.01.2020 vide which it was decided that the services of all such employees, who got employment on the basis of their sports achievements, shall not be terminated on the ground of their failure to have produced the Sports Gradation Certificate under the new policy till the final outcome of LPA-1332 of 2019 (O&M) in CWP. No.23249 & other connected (O&M)-State of Haryana and another Vs. Shankar and others.

2. The said LPA came up for hearing on 9.10.2020 before the Hon'ble Punjab & Haryana High Court and the Hon'ble Division Bench was pleased to allow the LPAs No. 75, 1332, 1975, 1977, 1999, 2004 of 2019 (Bunch-A) (6 cases) with the following observations:-

- i. The candidates, who had applied for Group-D posts under the ESP Category, in pursuance of the advertisement No. 4/2018 dated 25.5.2018 and have been selected accordingly, are required to submit the requisite Sports Gradation Certificates duly issued in terms of the new policy dated 25.5.2018. However, it is clarified that the modified Policy, notified on 15.11.2018, shall not be applicable to the cases of such candidates because of its having been published after the date of the said advertisement and rather, even after the expiry of the last date for the submission of the application forms for the said posts.
- ii. The certificates issued to or sought to be issued by the selected candidates under the old instructions dated 30.11.1993, will not be relevant/valid at all for ascertaining their eligibility for the Group-D posts under the ESP Category, as advertised on 25.08.2018.
- iii. Letter dated 24.07.2019, i.e. Annexure P8, issued by the office of the Chief Secretary to Government of Haryana, requiring the selected candidates, who had not submitted the requisite Sports Gradation Certificates, as duly issued under the new Policy due to lack of awareness does not suffer from any illegality and rather, it is an attempt on the part of the respondent-State to safeguard the interest of the otherwise eligible candidates by granting them concession to submit the said Certificates at such a later stage.
- iv. Keeping in view the afore-mentioned gesture of the respondent-State, we are of the view that it will be in the interest of justice as well as in the fitness of the things if the candidates, selected for Group-D posts under the ESP Category, are given a period of 15 days from the date of this order to apply for the issuance of the afore-said requisite Gradation Certificate in terms of the new Policy notified on 25.5.2018

and the competent authorities shall decide/ascertain their claim for issuance of the said certificate within a period of one month thereafter.

- v. However, it is also clarified here that in case the services of any candidate are terminated on account of his/her being ineligible for the issuance of the Sports Gradation Certificate in terms of the new policy dated 25.5.2018, such termination will not be construed to be stigmatic.

3. The Hon'ble Division Bench has made it clear that the Sports certificates obtained by the candidates under old sports policy are not valid/ relevant at all for ascertaining their eligibility for the Group-D posts under the ESP Category, as advertised on 25.8.2018. All the Group-D candidates who applied under ESP Category, in pursuance of the Advertisement No. 4/2018, dated 25.8.2018 and have been selected accordingly, are required to submit the requisite Sports Gradation Certificate duly issued in terms of the new policy dated 25.5.2018 within a period of one month.

4. Accordingly, all the candidates whose appointment was subject to final outcome of above said LPAs and the candidates who have not yet been allowed to join due to non-availability of the Sports Gradation Certificate issued in terms of the new Policy dated 25.5.2018 may be directed to apply for the same within 15 days of issuance of this letter i.e. upto 25.11.2020. The Sports & Youth Affairs Department shall decide/ascertain the claim of candidates for issuance of the Sport Gradation Certificate in terms of new Sports policy dated 25.5.2018 within one month i.e. by 25.12.2020 positively. After getting the Sports Gradation Certificate the candidates have to produce the same to their Appointing Authorities before 31.12.2020 otherwise their appointment/selection may be terminated immediately by the Appointing Authority under intimation to the Government and Haryana Staff Selection Commission.

5. Another issue regarding eligibility of the some candidates who have procured employment on the basis of Sports Gradation Certificates issued for the sports events held after the last date of submission of application form i.e. 18.09.2018 against Advertisement No. 4/2018 of Group D was under consideration with the Government and it has now been decided that services of all such candidates may also be terminated immediately being ineligible for the posts reserved for ESP quota.

6. These instructions may be brought to the notice of all concerned for strict compliance in letter and in spirit.

Yours faithfully,


Superintendent, General Services-I,
for Chief Secretary to Government Haryana.

Endst.No.42/09/2019-4GS-I

Dated Chandigarh, the 10th November, 2020

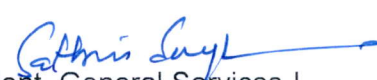
A copy is forwarded to the Director, Sports and Youth Affairs Department with the direction to decide/ascertain the claim of candidates for issuance of the Sports Gradation Certificate in terms of new Sports policy dated 25.5.2018 by 25th of December, 2020 positively.


Superintendent, General Services-I,
for Chief Secretary to Government Haryana.

Endst.No.42/09/2019-4GS-I

Dated Chandigarh, the 10th November, 2020

A copy is forwarded to the Secretary, Haryana Staff Selection Commission, Panchkula for information and necessary action.


Superintendent, General Services-I,
for Chief Secretary to Government Haryana.