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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 945/2024

SUNDEEP VERMA

.....Petitioner

Through: Mr. Nitish Rana, Ms. Pallavi
Garg, Mr. Nikhil Kohli & Ms.
Vigya Pandey, Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Anil Soni, CGSC with Mr.
Devrat Yadav, Adv.
Mr. Apoorv Shukla, Mr. Puneet
Chahar & Mr. Prabhleen A.
Shukla, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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20.09.2024

CM APPL. 55275/2024 (Ex.)

Allowed subject to all just exceptions.

Application stands disposed of.

LPA 945/2024 & CM APPL. 55274/2024 (Interim Stay)

1. The present Letters Patent Appeal is directed against the order of the learned Single Judge dated 06 September 2024 passed in a writ petition preferred by the appellant/ writ petitioner assailing an order of suspension dated 30 August 2024.

2. The appellant/petitioner is stated to be an elected member of the Governing Council of the Indian Golf Union [“IGU”], the nationally recognized federation for the sport of golf. The learned Single Judge has in paragraph 3 of the order impugned before us noted the principal allegations which appear to have weighed upon IGU to suspend the



appellant/petitioner. Paragraph 3 reads as follows:

“3. Mr. Shukla submits that through an email communication sent to Respondent No. 3, the National Coach for Golf, Mr. Jaskirat Singh Grewal informed the IGU of the misconduct on the part of the Petitioner at the Paris Olympics 2024. He emphasis that the Petitioner somehow got into the Olympic Village unlawfully and also attended the opening ceremony with the Indian contingent without any lawful basis, after taking another athlete's bus/boat pass. Further, despite the Petitioner not having an invitation for the special opening ceremony, he procured the uniform from the father of one of the golf players and attended the ceremony. It is thus pointed out that such infraction could have resulted in serious repercussions for the country as the entire Golf contingent could be deported.”

3. Before us learned counsel appearing for the appellant/ petitioner submitted that the Memorandum of Association incorporates no provision in terms of which the IGU could have possibly suspended the appellant. Learned counsel has also sought to rely upon certain additional material, which though not placed before the learned Single Judge or forming part of the appeal record, according to him, would belie the allegations which are levelled.

4. We from the Memorandum of Association which has been placed for our consideration take note of Article 36(f) and which reads as under:

“36. Power, Function and Duties of the Council : The powers, functions and duties of the Council shall be as follows:-

XXXX

XXXX

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(f) To ensure, by forming Disciplinary Committee, proper discipline and good conduct by the teams/players and their support staff, including coaches, managers, etc., representing India and/or THE INDIAN GOLF UNION in sports events;

.....”

5. Article 36(f) enables the Council to take disciplinary action against coaches, managers and other personnel representing India or the IGU in sports events. The disciplinary action thus appears to have been initiated and founded on the aforesaid Article bearing in mind the



fact that the appellant/ petitioner had held himself out to be a ‘caddy’ of one of the golfers forming part of the contingent.

6. The learned Single Judge has while taking note of the serious allegations which were levelled, and which would have also, and undisputedly, had repercussions on the nation as well as the contingent which had travelled to the Olympics, ultimately taken the view that the order of suspension having been made solely in the interim and pending conclusion of the inquiry proceedings, merited no interference in the writ petition.

7. The action of suspension is liable to be viewed as evaluating whether the petitioner was liable to be removed or a “No Confidence” motion being tabled as per the Memorandum of Association and which is one of the modes of removal of an elected member.

8. We, in fact, have grave doubt whether the writ petition could itself have been maintained bearing in mind the principles enunciated by the Supreme Court in **Ramakrishna Mission Vs. Kago Kunya** [(2019) 16 SCC 303].

9. Notwithstanding the above, we are of the considered opinion that bearing in mind the larger ramifications which arose and the alleged action of the petitioner having the potential to jeopardise the participation of the nation itself, no interference was warranted.

10. The appeal fails and shall stand dismissed.

YASHWANT VARMA, J

RAVINDER DUDEJA, J

SEPTEMBER 20, 2024/kk