

OMBUDSMAN AND ETHICS OFFICER

CRICKET ASSOCIATION OF UTTARAKHAND

2/1 Convent Road, Near SBI Main Branch, Dehradun Pin : 248001

COMPLAINT NO 1/2022

IN THE MATTER OF

Cricket Association of Uttarakhand

Through it's Hon. Secretary, Mahim Verma

AND

Prithvi Singh Negi (the then Treasurer of Cricket Association Uttarakhand)

FINAL ORDER

1. A communication dated 03.06.2022 was received by me from the Office of Hon. Secretary of Cricket Association of Uttarakhand (for brevity CAU) forwarding me the Report of the member Enquiry Panel in respect of the complaint lodged by some of the members in a general body meeting against Shri Prithvi Singh Negi the then Treasurer of CAU pertaining to series of charges and informing me of the decision of the Apex Council of CAU for adjudicating upon the said report as Ombudsman of CAU. The relevant documents have also been provided to me by CAU.
2. Since the Report of Enquiry Panel provided to me by the Apex Council was not as per the practice directions (1/2020), I vide my order dated XXX asked the Hon. Secretary to clarify his stand in this regard before it could be entertained, pursuant to which the Hon. Secretary placed on record the comments dated

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08.07.2022 supported by his affidavit. After considering the same, I, while keeping the issue of filing of the complaint as per practice direction open for the purposes of taking cognizance on it, thought it appropriate to put respondent Shri Prithvi Singh Negi to notice vide order dated 11.7.2022 to have his reply on the issue kept open by me and the counter reply, if any, on the Enquiry Panel Report. It is thereafter on receipt of reply by way of objections by Shri Prithvi Singh Negi, I considered it appropriate to afford opportunity of hearing to both the sides on maintainability of the compliant as well as on merits. CAU is being represented by Shri Ayush Negi Advocate and Shri Kamal Virmani Advocate and his associates appear for Shri Prithvi Singh Negi.

3. Record reveals that the instant complaint could not be heard for some time for one reason or the other as indicated in the procedural order (short orders) passed from time to time and ultimately when taken up in November 2022, Shri Ayush Negi learned counsel for CAU during the course of arguments when took me through the Enquiry Panel Report, I felt the necessity of the perusing certain documents which were indicated in the Enquiry Panel Report but incidentally not attached with the report in which regard Shri Negi requested for some time to place them on record by providing copy of

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the same to the respondent side. Record further reveals that on the next date the instant complaint could not be heard on account of non-availability of Shri Prithvi Singh Negi the respondent herein, and thereafter also it stood adjourned on request of Shri Kamal Virmani learned counsel for the respondent projecting his personal difficulty. Record further reveals that the instant complaint could not be heard on account of my ill-health in which regard no further date was given and ultimately vide my email communication sent to both the sides on 10.04.2023, the date and time for taking up this matter through physical mode at Dehradun was fixed but could not be taken up on account of non-availability of Shri Prithvi Singh Negi on account of bereavement in the family of his junior counsel. It is thereafter, both the sides were once again informed through my email communication for taking up this matter on 01.07.2023 through video conferencing only on which date both the sides were heard for some time and were directed to submit their respective written submissions to me on my email within a stipulated period of 10 days and that the final order thus was reserved. I am in receipt of hard copy of the written submissions sent by both the sides. I may make it clear that I have felt the necessity of referring to the aforesaid facts borne out from the procedural orders for the reason that the final

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consideration of the instant complaint has been delayed considerably for one or the other reason.

4. Shri Prithvi Singh Negi happens to be a practicing Advocate at Dehradun and he was a duly elected Treasurer of CAU for the term 2019 - 2023. During the Annual General Body Meeting held on 21.03.2021, certain members raised their concerns about the conduct of the Shri Prithvi Singh Negi (the then Treasurer) which was tarnishing the image of CAU through social/print media. The President of CAU took cognizance of the complaints and with the consensus of the house decided to enquire into those complaints by forming an Enquiry Panel of three members namely Shri Virendra Diwan (Chairperson of the Panel), Shri Neenu Sehgal and Shri Rajiv Dutta, the members of the said Panel.
5. The Enquiry Panel was provided with the memo of charges again Shri Prithvi Singh Negi for it's enquiry which was duly served upon him as per directions of the general body of CAU.

1. Non-performance of the duties while functioning as a "Treasurer" of the association.

2. Non implementation of decisions taken by SGM (Special General Meeting) and Apex Council.

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- 3. *Disobedience of orders issued by the President to attended office on regular basis and perform day to day functions.***
 - 4. *Unauthorizedly holding of meetings of officials of Cricket Association of Uttarakhand along with connected confidential documents at his personal residence.***
 - 5. *Disobedience of the directions of Lokpal regarding pending payments and displaying them in public with a view to tarnish the image of the association.***
 - 6. *Disobedience of orders to adopt online banking procedures and refusal to sign correspondence in this regard.***
 - 7. *Making bogus, imaginary and malicious complaints to the Ethics Officer regarding formation/composition of the association.***
 - 8. *Maligning the image of the President and Hon. Secretary of the Association through Social/Print media by insinuating bogus allegations.***
6. It is worth mentioning here that Shri Prithvi Singh Negi was asked to accept/deny the charges along with the evidence, if any, having been in his possession, in response thereto he submitted that he had challenged

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the entire proceedings initiated against him before Civil Judge (Sr. Division) Dehradun in original Suit No.311/2021 dated 28.7.2021 and further submitted that he would make all his submissions before the Hon'ble Civil Court and not before the Enquiry Panel. It is in this situation the Enquiry Panel on whose proceedings no restrained order was passed by the Civil Court or for that matter any Court of law continued enquiring into the aforesaid allegations, collected some evidence from CAU and ultimately found that the charge no.1, charge no.2, charge no.3, charge no.4, charge no.5, charge no.7 & charge no.8 to be true, whereas the charge no.6, with regard to disobedience of orders to adopt online banking procedure and refusal to sign correspondence in this regard to be not true. In short, out of it 7 of the charges are found to be true against Shri Prithvi Singh Negi. It is observed by the Enquiry Panel that Shri Prithvi Singh Negi was provided various opportunities to present his defence but he preferred not to do so, hence the enquiry had to be conducted *ex-parte*.

7. Admittedly, the present matter has now landed before me for adjudication and to take appropriate decision/action, if any against Shri Prithvi Singh Negi (the then Treasurer), for the aforesaid charges, if proved

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on adjudication under the Regulation and Constitution of Cricket Association of Uttarakhand.

8. I have gone through the Enquiry Panel Report in its entirety, the response filed by the complainant CAU with regard to filing of the present complaint within the practice directions issued by me vide my notification no 1/2020 on the issue of maintainability, the objections/counter filed by Shri Prithvi Singh Negi and the rejoinder filed by the complainant CAU.
9. I am conscious of the fact that besides filing objections/counter reply the respondent also moved an application before me along with the list of witnesses whom the respondent wanted to cross examine, to which an objection was raised by complainant CAU stating that the constitution has a specific role of adjudication of inter-se disputes of various natures as enshrined in Provision 41 (a)(b) & 9(c) of the constitution of CAU and the constitution doesn't provide the Ombudsman with the powers of Civil Court having original jurisdiction for the purpose of adjudication of any disputes and thus the application of the respondent seeking cross examination of witnesses should be rejected.
10. Virtually whatever was argued before me by learned counsels of both the sides find mentioned in the written submissions also put forth before me.

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11. The objections of Shri Prithvi Singh Negi, submitting that CAU did not provide any proper opportunity of hearing to the him to present his stance in the general body and hastily organised the Annual General Meeting on 21.03.2021 and also procured the decision against the respondent in the said meeting and that the President of CAU asked Shri Deepak Mehra, the member of Apex Council to take the responsibility of the Treasurer of CAU as an interim measure. It is thereafter the President of CAU also extended the time period of the Enquiry Panel constituted by the general body further by 90 days and in the same consequence he vide communication dated 17.07.2021 was also slapped memo of 8 charges framed by the Enquiry Panel asking him to present his case in defence before it.

12. The respondent has further submitted in its objection that he had filed OS No.31 of 2021 titled 'Prithvi Singh Negi Vs. CAU and others.' before Civil Judge Sr. Division (Dehradun) wherein all the illegal acts of various members have been challenged and that the said suit is pending, and therefore no action could be taken against the respondent during the pendency of the said suit the matter being subjudice.

13. Another objection has also been raised by the respondent that the Apex Council meeting dated

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31.5.2022 held at Ram Nagar did not have any agenda regarding any misconduct of the Treasurer, as such there being no agenda, the Apex Council could not take any decision in its meeting dated 31.5.2022 whereby the Enquiry Panel Report stands refereed to the Ombudsman for its adjudication and his decision.

14. The respondent has also made several allegations on the working of the association as well as bucket full of allegations pointing towards the working of Hon. Secretary of CAU in his objections.

15. With regards to the formation of the Enquiry Panel the respondent objected that in the Annual General Meeting of CAU held on 21.3.2021 pertaining to the alleged misconduct of the respondent, the report of the Enquiry Panel should have been before the President who in turn should have placed it before the general body and thereafter any decision could be taken on the said Enquiry Panel Report for sending it to the Ombudsman and not directly as is done in this case which amounts to adopting a process unknown to constitution of CAU. According to respondent it is illegal process. The respondent therefore objected to this vital issue without even going into the merits of the case, submitting that even the Enquiry Panel Report is absolutely a misleading report prepared under the pressure and duress of CAU.

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16. The complainant-CAU while filing response to the query raised by me as Ombudsman about presenting of the present matter within the parameters of practice directions wherein the entirety of the fact of the matter at hand have been described in detail. In it's rejoinder to the reply/objections filed by the respondent it was submitted by CAU that the present complaint was for adjudication of allegations of misconduct against the respondent on report of the Enquiry Panel under provision 41(1)(c) of the constitution of CAU, **"Misconduct or breach by others"** which pertains to complaint of any act of indiscipline or misconduct or violation of any of the rules and regulations by any Player, Umpire, Team Official, Selector or any person associated with the CAU and that in the instant matter the respondent is an Office Bearer being Treasurer of CAU, wherein the Apex Council has forwarded the report of the Enquiry Panel considering it as report by the CEO on the complaints lodged by certain members during the meeting of the general body pertaining to series of charges and allegations of misconduct against the respondent and it is thereafter the matter was referred to the Ombudsman for adjudication.

17. The complainant association vide its rejoinder to objections raised by the respondent has submitted that if

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one goes by the objections filed by the respondents it is against compliant no 01 of 2022 and virtually not raised any objections to the Enquiry Panel Report filed against the respondent for which an opportunity was granted by the Ombudsman, therefore the Enquiry Panel Report on its face value deserves to be accepted as it.

18. The Complainant CAU has also vehemently denied the averments of the respondent that no opportunity of hearing was granted to him, therefore the decision taken on 21.3.2021 by AGM is illegal as the respondent himself has admitted the fact that he had received the notice of AGM meeting but chose not to attend the same. The stand of complainant CAU is that certain members who were present during the AGM agreed to pass the resolution against the respondent and that the Chairman of the AGM who is the President could permit any agenda in the meeting of AGM, therefore there was no irregularity committed in taking up the matter against the respondent on the oral complainants/allegations of certain members. The stand of complainant CAU is that no hastily step was taken in AGM dated 21.3.2021 and it is when the Enquiry Panel was constituted to look into the various complaints against the respondent, the duties of the Treasurer were given to Shri Deepak Mehra as an interim measure he

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being the member of the Apex Council. According to CAU all what is done was within the parameters of Constitution of CAU and no irregularity on any aspect has been committed.

19. The complainant CAU has further averred that the respondent did not choose to appear before the Enquiry Panel after due opportunity was granted to him to prove his stand against framing of 8 charges and took the shelter of filing a civil suit in the court of Civil Judge and that there was no restraint order passed by any court putting the enquiry on hold.

20. Complainant CAU further submitted that the objection raised with regard to there being no agenda on the table in the Apex Council meeting held 31.5.2022 held at Ram Nagar, is also of no consequence for the reason that item Agenda Item no 9 which pertains to 'Any Other Matter', the Apex Council unanimously resolved to forward the Report of the Enquiry Panel to the Ombudsman for adjudication considering it to be a Report by the CEO falling with the parameters of Provision 41(1)(c) of the constitution.

21. Let me first of all deal with the issue of maintainability of the instant compliant which appears to be the anchor sheet objection of the respondent. the respondent as it appears from objections/counter reply and even from

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their written submissions that the respondent has joined issue with regard to the maintainability of the reference /compliant at hand.

22. The factual position before me is that the present matter stands referred to me by the Apex Council of CAU for adjudication of allegations of misconduct against Shri Prithvi Singh Negi the then Treasurer of CAU on report of the enquiry panel under provision 41(1)(c), "**Misconduct or breach by others**" of constitution of CAU. It would be relevant to reproduce the said provision which reads ;

"41(1)(c) Misconduct or breach by others

In the event of any complaint being received from any quarter or based on any report published or circulated or on its own motion, of any act of indiscipline or misconduct or violation of any of the Rules and Regulations by any Player, Umpire, Team Official, Selector or any person associated with the CAU, the Apex Council shall refer the same within 48 hours to the CEO to make a preliminary enquiry.

Procedure: The CEO shall forthwith make a preliminary inquiry and call for explanations from the concerned person(s) and submit his report to the Apex Council not later than 15

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days from the date of reference being made by the Apex Council. On receipt of the report, the Apex Council shall forward the same to the Ombudsman, who shall call for all particulars and unless it decides that there is no prima facie case and accordingly drops the charge, hearing shall commence on the case and the same shall be completed as expeditiously as possible by providing a reasonable opportunity to the parties of being heard. If, despite due notice, any party fails to submit any cause or submits insufficient cause, the Ombudsman shall after providing reasonable opportunity of hearing to the parties concerned, pass appropriate order. In the event any party refuses and or fails to appear despite notice, the Ombudsman shall be at liberty to proceed ex-parte on the basis of the available records and evidence.”

23. At this juncture, it would be relevant to understand the resolution passed by the general body in the matter at hand and it reads as under :

”RESOLVED THAT house unanimously resolved to constitute an enquiry panel to enquire about the charges against Mr. Prithvi Singh

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Negi - Treasurer, raised by various members of the association, for which a three member enquiry panel be constituted under the Chairmanship of Shri Virendra Singh Diwan (Retired IDAS) and Shri. Rajeev Dutta and Shri. Neenu Sehgal as members. Shri. VBS Negi - Senior Advocate shall provide his services and legal advice to this enquiry panel. This enquiry panel shall serve the memo of charges to Mr. Prithvi Singh Negi and after complying with the principles of natural justice shall submit its final report within 90 days, With permission of the President the said period may be extended. On submission of the final report, the President shall take decision as per the relevant provisions of the constitution of CAU. Also, that till the report of the enquiry panel is submitted and till the final decision is taken in this matter Mr. Prithvi Singh Negi shall be restrained from discharging the duties of Treasurer of Cricket Association of Uttarakhand, and the duties and function of Treasurer of Cricket Association of Uttarakhand shall be discharged by the elected Councillor of the Apex Council Mr. Deepak Mehra as the

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Officiating Treasurer of Cricket Association of Uttarakhand for all purposes during such period.”

24. In this regard, in my view the following important factors that crop up for consideration are :

- (a) How and where is the complaint made?
- (b) Who has allegedly done the act of indiscipline or misconduct?
- (c) What process has been followed for enquiry?
- (d) How has it reached the table of Ombudsman for adjudication?

25. While appreciating the aforementioned factors, one has to understand as to what has actually happened in the instant matter.

- 1) Certain members of the association have raised their voice in AGM of CAU.
- 2) Allegations of misconduct and indiscipline against Shri Prithvi Singh Negi as Treasurer of CAU have been made.
- 3) With regard to initiation of process against Shri Prithvi Singh Negi the AGM constituted a three member Enquiry Panel to enquire into the allegations in which the Enquiry Panel served memo

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of 8 charges to have the response/stand of Shri Prithvi Singh Negi, who in turn choose not to appear or respond before the Enquiry Panel. The Enquiry Panel went into all the charges, collected evidence and submitted its final report which ultimately was placed before the President of CAU for taking appropriate decision as per the relevant provisions of constitution of CAU.

4) The decision of President reached the Ombudsman following the process laid in Provision 41(1)(c), reproduced herein above, the Enquiry Panel Report submitted before the President after having being considered as Enquiry Report by CEO was placed before the Apex Council and then forwarded to the Ombudsman for adjudication.

26. The main limb of the argument put forth from respondent side vis-a-vis the maintainability of the compliant is that Provision 41(1)(c) is express, explicit and mandatory, therefore it would not admit any implication or exception in as much as it has been clearly mentioned that on the event of any complaint, the Apex Council shall refer the same within 48 hours to the CEO to make a preliminary enquiry. The argument further put forth was that the role of CEO is also described in the Provision 41(1)(c), therefore appointing

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an Enquiry Panel to look into the allegations against Shri Prithvi Singh Negi is fundamentally wrong being against the provisions of constitution of CAU.

27. I do not find any force in the arguments put forth on this aspect by the respondent for the reason that the matter at hand in my considered view requires to be appreciated in its totality wherein certain members of the CAU with the permission of the Chairman in its Annual General Meeting raised voice with regard to certain allegations against Shri Prithvi Singh Negi as Treasurer of the association which meeting Shri Prithvi Singh Negi admittedly did not attend on the pretext of no rules being followed for holding the Annual General Meeting of the CAU. He virtually boycotted the meeting. It is in that meeting only the supreme body of the association i.e. the general body in it's wisdom constituted a three member Enquiry Panel. The argument of the respondent that this exercise was to be done by the Apex Council falls flat on the ground as in my view the supreme body of the association was dealing with the complaints / allegations though not in writing, therefore the role of Apex Council in this situation does not come into play.

28. It would be apt to refer to the relevant provision of constitution of CAU where the powers and functioning of

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the general body are defined. The said relevant provision reads :

Provision 5 (3) under the head 'The General Body and Office Bearers and their Powers & Functions'

"All powers of governance, management and decision-making shall vest in the General Body. In addition to the powers already given to the Apex Council, the Governing Council and the CEO under these Rules, the General Body may delegate such powers as it deems fit to any of them."

29. In my view the general body was right in having powers to constitute a three member Enquiry Panel and further resolving as indicated in para no 23 referred to hereinabove. Appreciating the present matter within the ambit of Provision 5(3), the argument of the respondent turns out to be totally weightless, therefore rejected.
30. At the same time the argument put forth by the respondent that the allegations against Shri Prithvi Singh Negi should have been enquired into by CEO if seen within the parameters of Provision 5(3) of constitution of CAU as being another star argument of the respondent on the face of it appears to be somewhat attracted but deserves to be rejected in the present set of circumstances where the allegations which were to be enquired into were against a very significant functionary

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of CAU as Treasurer after being elected by the members of the association. It is in this background the general body, being the supreme body must have thought in its wisdom might have thought it appropriate that an Enquiry Panel of three senior members should be constituted to look into the allegations levelled against Shri Prithvi Singh Negi, instead the enquiry being conducted by CEO of CAU. The fact of the matter is that out of the three members who constituted the Enquiry Panel, one of them is retired IDAS, the other two senior members of the association out of which one is a President of a District body. Had this enquiry, in my view, would have been conducted by CEO of CAU that too against a very significant functionary of CAU, many eyebrows could be raised, CEO being an employee of CAU. I at this juncture without commenting upon the drafting of the Provisions of 41(1)(c) of the constitution of CAU in which regard much has been said by the respondent taking the plea of deviation from the procedure prescribed therein, may be at the cost of repetition once again hold that constitution of three member Enquiry Panel by the general body was not an exercise carried out against the provisions of the constitution of CAU, therefore technically it cannot be said to be deviation from the procedure prescribed. To sum up this very issue, in my view even sending the

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compliant to three member Enquiry Panel instead of CEO of CAU is not an irregular step so as to dislodge the instant compliant against the respondent.

31. It would be worthwhile to take up for my consideration the other limbs of the arguments as advanced by respondent, with regard to the maintainability of the compliant, they being also falling within the parameters of Provision 41(1)(c) of the constitution of CAU. The first attack launched is with regard to the time consumed by the Enquiry Panel on the ground that it has been delayed considerably wherein as per the provisions the enquiry report has to be placed before the Apex Council within a span of 15 days and in this case the Enquiry Panel was constituted on 21/03/2021 and the report was submitted on 04/02/2022 which is a time barred report and no extension was given to the Enquiry Panel to submit it's report in such a long run process. It was further submitted that the President had issued a letter for extending the time period for further three months only and in that eventuality the Enquiry Panel Report should have been filed by 21/06/2021 but the same was filed on 04/02/2022, accordingly neither the delay has been explained, nor there is any extension of time in the minutes of CAU, nor any letter of extension of time is

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available on record whereby the President has extended the time.

32. The other attack launched is with regards to framing of charges. As the argument advanced in this regard is that in the AGM held on 21.3.2021, charges were allegedly framed against the respondent where there was no written complaint before the general body, therefore on whose instigation the charges were framed turns out to be a matter of serious nature. The case of the respondent throughout is that certain members of CAU were bent upon involving him in some matter or the other in particular the finger is raised on Shri Mahim Verma the Hon. Secretary of CAU against whom the respondent has also not left any stone unturned in tarnishing the image of the Secretary, though some mud has been slung on the working of the President of CAU and the functioning of CAU in all. Regardless of that fact that where Shri Prithvi Singh Negi is taking a defensive mode on account of his direct tiff with Shri Mahim Verma the Hon. Secretary, the aforesaid two arguments put forth calls for an answer.

33. I also find in the written submission of the respondent an issue raised by him, wherein he has stated that there was no agenda to hold the AGM with regard to the alleged misconduct/mismanagement of the respondent

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which in fact should have been placed before the executive committee/Apex Council and only then it could be placed before the Annual General Meeting and not straightaway as done in this case.

34. The record reveals, as regards to the term of enquiry is concerned, no doubt Provision 41(1)(c) provides 15 days to the CEO to provide his report to the Apex Council from the date of reference being made by the Apex Council, but the instant matter is born out from the resolution made by the general body which is the supreme body of the association itself, and after considering the seriousness of the allegations being made on the respondent the general body initially resolved to provide 90 days to the Enquiry Panel to submit it's report to the President and further gave power to the President to extend the time period if required. Therefore the President on the request of the Enquiry Panel gave the extension from time to time on valid grounds as one finds from the records. Therefore, the contention of the respondent that the Enquiry conducted against him by Enquiry Panel is time barred holds no water, hence rejected.

35. The second limb of argument with regards to framing of charges as indicated herein above equally finds no force for the reason that the President being the Chairman of

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the general body informed the Enquiry Panel about the charges to be framed, and the Enquiry Panel being duty bound by the resolution passed by the general body served the memo of 8 charges on the respondent, therefore contention of the respondent that the framing of charges was to be done by the CEO does not find its ground, the factual situation in the present case being altogether different where the President being the Chairman is informing the Enquiry Panel of the charges to be framed against Shri Prithvi Singh Negi respondent rather than the CEO. In short the job of the Enquiry Panel was to look into only those charges which were framed in the Annual General Meeting and forwarded to the Enquiry Panel to enquire into those charges and submit its report to the President. In my view in the general body meeting the charges on the alleged allegations were specified and afforded an opportunity to the respondent to prove his stance before the enquiry panel so as to avoid any unfair play. The argument advanced in this regard are thus rejected.

36. The issue raised by the respondent that the allegations of misconduct against the respondent should have been brought before the Apex Council and then included in the agenda for AGM does not hold good as the complaints voiced against the respondent was done by

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certain members by raising their agenda on the floor of the house with the permission of the Chairman and hence it had cropped up during the proceeding of the general body. Hence the argument of respondent on this aspect holds no ground.

37. In view of all what is discussed hereinabove while dealing with all the objections raised by the respondent with regard to maintainability of the reference/compliant, I am of the firm view that none of the objections put forth is sustainable, accordingly I hold that the reference /complaint at hand is maintainable and that the three member Enquiry Panel Report whereby 7 charges are found to be true requires to be adjudicated upon on merit by me on merits.

38. Having said that, I now advert to the Enquiry Panel Report for my adjudication on merits with regard to all the 7 charges.

39. On perusal of the Enquiry Panel Report along with all the annexed documents as part of the report submitted by the complainant association, the report states that during the Annual General Body Meeting of the association held on 21.3.2021 the members voiced their complaints against various acts of Shri Prithvi Singh Negi regarding his functioning as Treasurer of CAU being an irresponsible Treasurer in so much so that he hardly

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attends the office of CAU, creating difficulty in signing cheques, releasing payments, the general body considering agenda of 'adoption of Treasurer's Report ' and the Treasurer being not present in the house for discussion, he as treasurer was demeaning the image of the association by making complaints to the Ethics Officer of BCCI and supplying information and documents with regard to CAU by using a specific person thereby disrepute to CAU raising baseless allegations.

40. May be at the cost of repetition I deem it appropriate to reproduce the 8 charges enquired by the three member Enquiry Panel and served upon to the respondent for his response. Those are as under :

- 1. Non performance of the duties while functioning as a "Treasurer" of the association.**
- 2. Non implementation of decisions taken by SGM (Special General meeting) and Apex Council.**
- 3. Disobedience of orders issued by the President to attended office on regular basis and perform day to day functions.**
- 4. Unauthorisedly holding of meetings of officials of Cricket Association of Uttarakhand along with connected confidential documents at personal residence.**

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- 5. Disobedience of the directions of Lokpal regarding pending payments and displaying them in public with a view to tarnish the image of the association.**
 - 6. Disobedience of orders to adopt online banking procedures and refusal to sign correspondence in this regard.**
 - 7. Making bogus, imaginary and malicious complaints to the Ethics Officer regarding formation / composition of the association.**
 - 8. Maligning the image of the President and Hon. Secretary of the Association through Social / Print media by insinuating bogus allegation.**
41. Shri Prithvi Singh Negi was asked to accept / deny the charges along with evidence, if any in his possession enabling him to put forth in his defence. Shri Prithvi Singh Negi instead in his response submitted that he had challenged the proceedings before Civil Judge Sr. Division Dehradun in Original Suit No 311/2021 dated 28.07.2021 and that all submissions will be made by him before the Hon'ble Court only. The Enquiry Panel held that neither the Enquiry Panel was a party to the civil suit filed by Shri Prithvi Singh Negi nor the Enquiry Panel was restrained or any stay order was issued by the Hon'ble Court against the proceedings underway, the

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averments of Shri Prithvi Singh Negi that all submissions will be made before the Hon'ble Court was neither reasonable nor sustainable. In view of the aforesaid the Enquiry Panel provided another opportunity him to present his defence along with documentary and other evidence, also mentioning that if no reply was received the enquiry would be conducted ex-parte, and no further opportunity will be provided to him. The panel also sought relevant documents from the CEO of the association, which were duly handed over by the CEO to the Enquiry panel. The association also informed the panel of appointment of Shri P.C. Kuthari as the 'Presenting Officer 'on behalf of CAU. The CEO of the association also provided additional documents to the Enquiry Panel which were placed on record. Since no further communication was made by Shri Prithvi Singh Negi therefore the panel was of the opinion that defendant Shri Prithvi Singh Negi was of a cantankerous and litigative nature, therefore no purpose would be served by making non productive and frivolous correspondences and accordingly carried on with their enquiry.

42. Enquiry report further deliberates in detail on all the charges levelled against Shri. Prithvi Singh Negi based on the documents before the enquiry panel and the

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finding made by the enquiry panel thereon. The summary of the charges levelled against Shri Prithvi Singh Negi and the finding by the Enquiry Panel in its report is tabulated as below.

#	Charges levelled against Shri. Prithvi Singh Negi	Finding in enquiry report
1	Non performance of the duties while functioning as a "Treasurer" of the association.	Charge is found to be true.
2	Non implementation of decisions taken by SGM (Special General meeting) and Apex Council.	Charge is found to be true.
3	Disobedience of orders issued by the President to attend office on regular basis and perform day to day functions.	Charge is found to be true.

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#	Charges levelled against Shri. Prithvi Singh Negi	Finding in enquiry report
4	Unauthorisedly holding of meetings of officials of Cricket Association of Uttarakhand along with connected confidential documents at personal residence.	Charge is found to be true.
5	Disobedience of the directions of Lokpal regarding pending payments and displaying them in public with a view to tarnish the image of the association.	Charge is found to be true ONLY to the extent of disobedience of directions of Lokpal (Ombudsman) regarding pending payments and keeping the payments on hold bringing bad name and reputation to the association.
6	Disobedience of orders to adopt online banking procedures and refusal to sign correspondence in this regard.	Charge is found to be NOT true.

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#	Charges levelled against Shri. Prithvi Singh Negi	Finding in enquiry report
7	Making bogus, imaginary and malicious complaints to the Ethics Officer regarding formation/composition of the association.	Charge is found to be true.
8	Maligning the image of the President and Hon. Secretary of the Association through Social / Print media by insinuating bogus allegation.	Charge is found to be true.

43. During the course of hearing the oral arguments of the parties, Shri Virmani learned counsel for Shri Prithvi Singh Negi submitted that even if the respondent had not appeared before the Enquiry Panel for any reason whatsoever and did not even choose to examine / cross examine any witness for and against, the respondent will be well within his right to throw challenge to the Enquiry Panel Report on any of the ground(s) available to him and the Enquiry Panel Report has not to be accepted as it is on it's face value by the Ombudsman for the reasons

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that the said report has landed before the Ombudsman for the purposes of adjudication. According to Shri Virmani adjudication means re-appreciation of the entire matter wherein Enquiry Panel Report goes against the respondent. In my view, perhaps, Shri Virmani was right in saying so.

44. It would not be out of place to mention here that after I had afforded an opportunity to Shri Prithvi Singh Negi to file his reply on the issue of maintainability of the reference/compliant and counter reply if any on the Enquiry Panel Report, he instead of choosing to comment on the Enquiry Panel Report has rather put all stress on the maintainability of compliant and with regard to framing of charges against him he half heartedly made an attempt to dislodge the Enquiry Panel Report. Be that as it may, I in all fairness am adjudicating the Enquiry Panel Report at hand so as to independently come to a conclusion, whether the charges against Shri Prithvi Singh Negi are proved to the hilt or not.

45. At the same time, it would also not be out of place to mention here that Shri Prithvi Singh Negi intentionally choose not appear before the Enquiry Panel to put forth his defence taking the plea that he had challenged the entire proceedings before Civil Court at Dehradun and

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despite not getting any retrained order, he still in his wisdom thought not to appear before the Enquiry Panel knowing very well that memo of 8 charges was slapped upon him. It is when the Enquiry Panel Report has gone against him, he wants to challenge the same. The matter does not rest here, even in his counter reply he virtually does not throw challenge to the Enquiry Panel Report wholeheartedly for the same and lodged an attack with regard to the maintainability of the complaint more. Although in this eventuality it can be comfortably said that he is not allowed to blow hot and cold in the same breath, yet to be fair to the respondent, I intent to enter into adjudication of all the 7 charges independently proved against the him in Enquiry Panel Report. This primarily was the reason that after hearing both the sides on several hearings, I still afforded opportunity to both the parties to put forth their written submissions also. Needless to say that if any of the charge(s) stands proved against Shri Prithvi Singh Negi after adjudication, the instant matter shall fall within the regulations of CAU for the purposes of taking any action against him, otherwise not.

46. Let me now deal with the plea of the respondent of deriving any advantage on account of pendency of the Civil suit before Hon'ble civil court Dehradun.

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Admittedly in the said civil suit the complainant CAU moved an application under Order 7 Rule 11 seeking dismissal of the Plaint, which application was allowed and that an appeal has been filed against the said order in which notice has been issued to CAU. Admittedly there is no order whereby the proceedings of the Enquiry Panel were put on hold by the court concerned. Therefore in my view the respondent by any stretch of imagination cannot be put to any advantages position so as to say that Enquiry Panel Report will not be read against him, if on adjudication by the Ombudsman it is ultimately upheld.

47. Let me now advert to the charges one by one as one finds in the memo of charges and the finding made in the Enquiry Panel Report thereon.

Charge no 1

48. With regard to charge no 1 the content of the Enquiry Panel Report pertaining to the charge of non performance of the duties while functioning as a "Treasurer" of the association, which has been found true by the Enquiry Panel brings to light the powers and duties of Treasurer as enshrined in Provision 7(5) of the constitution of CAU which Shri Prithvi Singh Negi being Treasurer was obliged to perform. The relevant Provision 7(5) reads :

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7(5) THE TREASURER

The Treasurer shall:

- (a) Receive all subscriptions and donations and the monies payable and /or receivable by the CAU;**
- (b) Be one of the three persons who sign the annual accounts and other financial statements of the Association.**
- (c) Keep accounts of all monies received and expended by the CAU, in respect of assets, credits and liabilities of the CAU.**
- (d) Prepare statement of accounts.**
- (e) Place before the Apex Council:
 - i) Annual Balance Sheet**
 - ii) Statement of Accounts of the CAU;**
 - iii) Annual Budget;****
- (f) Place before the Annual General Meeting duly audited:
 - (i) Annual Balance Sheet;**
 - (ii) Statement of Accounts of the CAU;****
- (g) Invest and/or disburse the funds of the CAU, to withdraw any or all of the existing fixed**

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deposits before the date of maturity in accordance with any general or special directions of the General Body or the Apex Council.

(h) Prepare budgets to be presented at the Annual General Meeting, Special General Meetings and Meetings of the Apex Council.

(i) Coordinate with the auditor as well as the CEO to obtain insight into the utilization of funds by the Ordinary members/ Associate members.

49. Enquiry Panel Report refers to the relevant documents which ascertain the fact that Shri Prithvi Singh Negi being Treasurer has been keeping payments on hold for some reason or other, whereas it is the duty of the Treasurer to disburse funds and make payments. It also refers to the fact that Shri Prithvi Singh Negi had not been performing his duties by keeping on hold the payments to be processed of various vendors, service providers and professionals.

50. It is worthwhile mentioning here that one of the matters which was before me was also concerning an issue wherein the allegation was that Shri Prithvi Singh Negi being Treasurer was creating hurdles in releasing payments to various vendors and service provider which hampered the activities the association and wherein it

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was also illustrated how a sports apparel company SMG IMPEX was not released 45 Lakhs and how that company was threatening legal action against the association. The Enquiry Panel Report has referred to this fact involving the same issue for the reason that delay caused in making the payment to different parties can certainly hamper the functioning of CAU. I in that matter as Ombudsman ordered and gave certain directions to the President, Hon. Secretary, Treasurer and CEO for putting in place a mechanism which would release the pending payments and that any payment(s) pending before CAU shall be approved by the majority of the aforesaid office bearers and the said payment shall be cleared within 4-5 working days. Admittedly my order has not been challenged before any authority. I have felt the necessity of importing the observations from the said decided matter for the reason that the instant charge also primarily revolves around the same issue with regard to the overall functioning of CAU which was taken care of by me in order to avoid any unnecessary delay in releasing payments at the whims of the Treasurer so as to ensure smooth functioning of CAU which had recently received nod of BCCI for affiliation in year 2019. It may not be taken that I am delaying with this issue with a prejudice mind and independently adjudicating this charge but at the same time cannot

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refrain myself as to what was observed by me in one of the concluding paras of the order passed in the aforementioned matter which goes unchallenged by either side. It reads, **“It is a very sad state of affairs that in less than two years of getting affiliated with BCCI, CAU is earning bad name and instead of moving forward, it is going backward. It is giving bad name to State of Uttarakhand as well”**.

51. Coming once again to the present charge admittedly no defence was out forth by Shri Prithvi Singh Negi even before me and no documentary evidence has been placed on record to disapprove the charge. Shri Ayush Negi has also vehemently asserted that this charge stands proved for the reason that the acts of Treasurer by not clearing the invoices was raised from time to time, delay in payment and other functions that the Shri Prithvi Singh Negi being Treasurer had to perform for the smooth running of the day to day affairs of the association was not adhered to despite repeated request from other office bearers and the CEO of the association. I agree with the submission put forth by Shri Ayush Negi learned counsel for CAU.

52. Besides that the Enquiry Panel Report also indicates that how Shri Prithvi Singh Negi denied to give his signature as Treasurer on the letter to be sent to the Bank in

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relation to signatories for bank account of CAU and on another instance the accounts department wrote to the Hon. Secretary as to how Shri Prithvi Singh Negi refused to sign even the KYC document required by the Bank. As per constitution, it is the duty of the Treasurer to present annual balance sheet, statement of accounts and budgets before the general body of the association, but the Enquiry Panel Report mentions the fact that in spite the CEO intensely following up with Shri Prithvi Singh Negi for documents to be presented to AGM, he did not act in a proactive manner to involve himself into the process thereby non performing his duties as a Treasurer. Furthermore, it is observed that in the AGM to be held in March 2021 wherein as Treasurer Shri Prithvi Singh Negi was to present the Treasurer's Report, Statement of Accounts and Budget, he choose to boycott the AGM and did not attend it.

53. That, based on the above-mentioned observations of the Enquiry Panel in its report and the perusal of relevant provision of the constitution of CAU with regard to the Powers and Functions of Treasurer and the documents refereed by the Enquiry Panel, I am of considered view, that the finding of the Enquiry Panel Report that the charge of non performance of the duties while functioning as a "Treasurer" of the association (Charge

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no 1) against Shri Prithvi Singh Negi has rightly been held to be true and I also uphold the said observation in toto considering this charge to be of very serious nature stands proved.

54. It would be very apt to observe at this juncture only that keeping in view what is said herein-above in which Shri Prithvi Singh Negi has not even bothered to abide by the provisions of CAU and did not care for CEO may be considering himself to be as significant functionary of CAU being Treasurer, it can comfortably be inferred from the circumstances that he would have certainly not at all bothered to cooperate in the enquiry vis-a-vis the allegations against him, had it been sent to the CEO of CAU on which issue the respondent has made an attempt to raise storm in a cup of water. It strengthens my view that the said enquiry was rightly sent to the three member Enquiry Panel on the decision of General Body. May be it can be said that it is out of context with regard to charge no 1 but I as an Ombudsman have felt the necessity of put forth my observations herein only.

Charge no 2

55. Let me now deal with charge no 2 which pertains to non implementation of decisions taken by SGM (Special General meeting) and Apex Council refereed to instances of resolution passed by Apex Council and General Body

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of the association wherein directions were given to Shri Prithvi Singh Negi for to compliance which was not carried out by and at one instance the Apex Council in its meeting dated 14.6.2020 resolved to approve all the payables towards Professional Support Staff and Managers, outstanding payments of clothing vendor (SMG Impex), salaries of CEO, GM and one Shri Rahil Walson, which were to be released in 15 days time, but Shri Prithvi Singh Negi refused to comply to these directions. Another instance is when in a Special General Meeting held dated 21.7.2020, the General Body resolved that the President, Secretary and Treasurer would sit together and sort all issues of pending payment and get all the pending payments to be cleared within 7 days, the respondent didn't comply with the resolution/direction of the General body by releasing the payments.

56. After going through the relevant minutes of the meeting and other documents placed on record in this regard, I am of firm view that the finding of the Enquiry Panel on the charge of non implementation of decisions taken by SGM (Special General meeting) and Apex Council against Shri Prithvi Singh Negi, is correct and charge no 2 having being re-appreciated on my adjudication stands proved.

Charge no 3

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57. Adverting to charge no 3 which is with regard to disobedience of orders issued by the President to attended office on regular basis and perform day to day functions that was made against Shri Prithvi Singh Negi, the documents on record suggest that the President had issued a correspondence for Hon. Secretary and Treasurer to be present at CAU office for an hour each day for at least three days in a week so that work is not hampered and ensuring smooth functioning of CAU office, and the evidences suggest that the office staff had to virtually chase Shri Prithvi Singh Negi to get his signatures and instead he being present in CAU office for that purpose had to meet him at his chamber or residence.

58. On the face of it this charge can also be said to be of somewhat serious nature on a simple rationale that the Hon. Secretary and Treasurer who has attained their positions in CAU after duly having been elected by the members of CAU are supposed to be devoting some reasonable time may be on daily basis for the smooth functioning of CAU as many agendas are to be sorted out but practically on ground level these members who are not the employees of CAU cannot make them physically present or present even when the President so directs on account of their various other commitments. In the case

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at hand, we are after all dealing with an individual, respondent herein who is admittedly a practicing advocate and cannot be all the time at the beck and call of the President or for that matter any other person of CAU. Not only that I do not find any specific provision in the constitution of CAU which empowers the President to issue any such order/directive to the other office bearers. No doubt office bearers cannot skip the responsibility of being sincere to the association after having been reached to a very important and relevant position which in turn can tarnish the image of the association. No doubt in the Enquiry Panel Report the honourable three members have considered it to be a charge of serious nature but I differ with their observations and hold that this charge does not stand proved. Consequently, I drop charge no 3 against the respondent.

Charge no 4

59. I after going through this very minutely and observation made thereon by the Enquiry Panel, am of the considered view that even this charge does not stand proved for the reason that at times the post of Treasurer or for that matter any office bearer is of honorary position and at times due to stretched timelines in order to get some urgent work done or signatures to be made

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on documents the office bearers may call CAU staff at their residence for getting signatures and for that matter getting any other work connected to the association done.

60. Another component of charge no 4 against Shri Prithvi Singh Negi was that he was unauthorisedly holding off meetings of officials of Cricket Association of Uttarakhand along with connected confidential documents at personal residence, the documents on record and the finding of the Enquiry Panel report suggest that Shri Prithvi Singh Negi in order to discharge his duties and functions as Treasurer of CAU frequently met the officials of accounts department along with documents and payments to be approved at his residence instead of CAU office, and even after the directions by the President for not having meetings outside the premise of CAU office, he continued meeting with the staff of accounts department at his residence. Certainly they staff could not afford to say no to the respondent.

61. While I concur that calling staff out of office premise with documents which can be of confidential nature should be avoided but at the same time, I would also like to draw attention to my observation while dealing with earlier charge, that the post of Treasurer or for that

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matter any office bearer is of honorary position and at times staff has to be called at residence to get some official CAU work done due to stretched timelines of these office bearers. Needless to say that as concurred above, office staff of CAU running around to get signatures etc should have been avoided, but as far as such meetings being considered unauthorisedly as in this instant matter which could also be comfortably avoided by the respondent keeping in view his position and the confidentially part, still I consider charge no 4 to be not of that grave nature to hold that it stands proved against Shri Prithvi Singh Negi. I accordingly reject this charge.

Charge no 5

62. Adverting to charge no 5, what I find is that the Enquiry Panel has considered it in two parts vis; one disobedience of the directions passed by the Lokpal and the second relates to displaying the disobedience in public. It appears that the Enquiry Panel has misconstrued the word Lokpal and in fact the Panel wanted to refer to the directions of the Ombudsman.

63. In this context the finding arrived at by the Enquiry Panel is corroborated by the directions of the Ombudsman dated 3.2.2021 passed in Compliant no 1/OBDS/CAU/2020 whereby it was directed to the

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President, Hon. Secretary, Treasurer and CEO regarding approval mechanism for release of pending payments and that if any payment has been approved by majority within the President, Hon. Secretary and Treasurer it had to be released within 4-5 working days. The finding of the panel is that Shri Prithvi Singh Negi disregarded the directions passed by none other than the Ombudsman and at one instance refused to give his acknowledgement on the letter by CEO pertaining to information of directions by the Ombudsman and also refused to sign the cheques of such payments that were passed by majority as per the directions of the Ombudsman. Although i have already referred to this aspect in one of my preceding paras while dealing with one of the charges yet charge no 5 being specific to it, I deem it appropriate to reproduce the same.

64. It may be relevant to refer to the provision of CAU constitution i.e. Provision 41(3) which reads, **'The decision of the Ombudsman shall be final and binding and shall come into force forthwith on being pronounced and delivered.'**

65. The finding of the Enquiry Panel is that the first part of charge of disobedience of directions of Lokpal (Ombudsman) regarding pending payments and keeping the payments on hold bringing bad name and reputation

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to the association, is true and that the second part of the charge of displaying in public the disobedience to the directions of Lokpal regarding pending payments is not true. I after, delving into this charge once again duly confirm the view of the Enquiry Panel as already observed with regard to charge no 5. It, resultantly stands proved as it is.

Charge no 6

66. Since charge no 6 stands disapproved by the Enquiry Panel itself, I now take up charge no 7 in the light of the written submission put forth for both the sides.

Charge no 7

67. This is a charge against Shri Prithvi Singh Negi of making bogus, imaginary and malicious complaints to the Ethics Officer of BCCI regarding formation / composition of CAU. The Enquiry Panel Report states that the report of the BCCI Ombudsman and Ethics Officer for the year 2020 categorically mentions a compliant filed by Shri Prithvi Singh Negi (case no 17/2020) filed on 23.07.2020 to the Ethics Officer of BCCI alleging irregularities in the making of Cricket Association of Uttarakhand and the said compliant was disposed off by the BCCI Ethics Officer. It is further observed by the Panel that the fact that an elected Treasurer of CAU filing compliant to BCCI Ethics Officer

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regarding formation or composition of CAU is acting against the interest of the association of which he himself is the Treasurer, this does not only brings the association into dispute but also tarnishes the name, reputation and the image of the association and its members.

68. On my specific query both the sides admitted that the complaint made by Shri Prithvi Singh Negi before BCCI Ethics Officer stands dismissed. This charge on the face of it in my view turns out to be a charge of very serious nature as Shri Prithvi Singh Negi puts the reputation of CAU at stake knowing very well that he himself was the Treasurer of the same and it could boomerang upon him also. Should it be taken that Shri Prithvi Singh Negi wanted to project to the world that but for he the other members of the executive are doing wrong to the association by their so called nefarious or uncalled for activities. It is worth mentioning here that the complaint made by Shri Prithvi Singh Negi was with regard to formation or composition of CAU that too CAU which got affiliation from BCCI only in 2019. It did not behove a Treasurer that in order to settle his own agenda if any, to throw mud upon his own association that too at very early stage when it had just conceived. Therefore, I am of the firm view that the finding returned by the Enquiry

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Panel on this charge does not suffer from any infirmity so as to dislodge that finding. I, reaffirm it and hold that charge no 7 stands fully established and proved.

Charge no 8

69. This charge relates to maligning the image of the President and Hon. Secretary of the Association through Social / Print media by insinuating bogus allegations. The Enquiry Panel in its findings has held that media reports published specifically in digital media by a specific news portal named 'newsspace.in' which contained leaked confidential documents of CAU. Firstly, the News reports published on 20.3.2020, 14.5.2020, 15.6.2020, 24.8.2020, 20.10.2020, 27.11.2020, 20.3.2021 have statements on record made by Shri Prithvi Singh Negi confirming developments that suited his position in line with the story that intended to portray a bad image and defame the association and its office bearers specifically President and Hon. Secretary. Secondly, the News reports published on 24.8.2020, 20.10.2020, 27.11.2020, 14.5.2020, 20.3.2020, 15.6.2020, 18.6.2020, 31.7.2020, 6.11.2020, 8.3.2020 are some of the reports published in 'news space.in' by one Shri Chetan Gurung which attributed views that of Shri Prithvi Singh Negi, at times attributing it as

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'sources', 'insider of CAU', 'CAU's high level post holder', 'Officer Bearer' containing picture of Shri Prithvi Singh Negi portraying clearly that he being the source. Thirdly, the News reports published on 18.6.2020 and 31.7.2020 contains some internal documents of CAU which bear a mark of the phone which captured the image of the document, mentioning 'Samsung Triple Camera Shot on my Galaxy A70s', and these documents / letters contained signature of Shri Prithvi Singh Negi. The Enquiry panel observed further that it is a matter of common knowledge that Shri Prithvi Singh Negi at that time used Samsung Galaxy mobile phone making it clear that he had circulated the said documents to the media. Also, all such news reports were found favouring Shri Prithvi Singh Negi and seemed to be published with an intention to defame and demean the President, Hon. Secretary and the association at large.

70. In my view charge no 8 which concerns the image of CAU at large in the eyes of general public has been tarnished by Shri Prithvi Singh Negi which can very comfortably be misunderstood by anybody and everybody who is not aware of the working of any cricket association being not involved into the day to day functioning. It can be stretched to any distance in that situation. The act of the respondent done not only tarnish the image of CAU but

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even of the players also who give their blood and sweat for representing the state (Uttarakhand) by playing competitive cricket with other states. This in turn can prove to be a demoralising factor to the players in the estimation of others. Such type of activities if not stopped at the earliest can prove very fatal tomorrow. One can very well understand that there could be many internal matters which could be very comfortably sorted out within the four walls of association but, if thrown to public at large by adopting any modus, media electronic / print or even social media or otherwise, it can take a very ugly shape beyond any repair. It is not expected of a significant holder of a post may be President, Hon. Secretary, Treasurer or for that matter any member of the association to come open in the public and whimsically say whatever he feels like saying. A reasonable restraint keeping in view the image of the cricket association being the foremost factor has to be applied. It may not be misunderstood that the office bearers or the members are completely restrained from putting forth their views to the public but their views should be appropriately put forth before the forum(s) available as per the constitution of CAU keeping in mind the best interest of the association and not at the whims of an individual as done in this case by Shri Prithvi Singh Negi as one finds from the Enquiry Panel Report.

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It is worth mentioning here that Shri Prithvi Singh Negi has not been able to refute these allegations anywhere in particular before the Enquiry Panel where he very well know the fact that this charge is turning out to be of very serious nature and if proved will have far reaching effect. It doesn't lie in his mouth now at the end of the day to dislodge this charge. I, resultantly while confirming the finding returned by the Enquiry Panel hold that charge no 8 is duly proved beyond any doubt.

71. After delving into all the charges for my adjudication and finding that charge no 6 having been already dropped by the Enquiry Panel and charge no 3 and 4 having been not proved on my adjudication, rest of the charges viz. Charge no 1, 2, 5, 7 and 8 stand duly proved on my re-appreciation. The three member Enquiry Panel Report is affirmed to that extent.

72. Let me now deal with a miscellaneous application moved by Shri Prithvi Singh Negi annexed with the objections / counter reply wherein he has asked for examination of as many as 18 witnesses to be examined before the Ombudsman, which has been vehemently refuted by CAU on filing objections. I am of the considered view that the application as badly misconceived and deserves to be rejected having no merits in it for a very simple reason that Shri Prithvi Singh Negi was afforded an opportunity

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to place on record any evidence documentary / otherwise before the Enquiry Panel but he choose not to do so. This application at the fag end cannot be allowed as it would not serve the ends of justice, rather would defeat the ends of justice. It is accordingly rejected.

73. In my view no other point is left by me untouched for my adjudication so far as Enquiry Panel Report is concerned and I now switch over to the other part as to consider, what appropriate action is required to be taken against the Shri Prithvi Singh Negi after the above charges having been proved against him. In this regard regulations of **'The Cricket Association of Uttarakhand (CAU) regulations governing the discipline, conduct and penalties for players, match officials, team officials, administrators, committee members, members of CAU and their representatives, franchisees and their representatives and others associated with the CAU'** would be the guiding factor. The relevant regulations of the aforesaid which are straightaway attracting the present matter at hand for taking appropriate action read as under :

Regulation 4 (2) : Non - compliance with any of the provisions of the Constitution of the CAU.

Regulation 4 (3) : Non - compliance with any of the Rules, Regulations, Bye-laws or Executive

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Instructions framed and issued by CAU from time to time under its Constitution or otherwise.

Regulation 4 (4) : Any act or action or incidence which may or is likely to be detrimental to the interest of the CAU or is likely to endanger the harmony or affect the reputation or image of the CAU or bring disrepute to the CAU or is likely to be detrimental to or bring disrepute to the game of cricket.

Regulation 4 (5) : Making an unsubstantiated defamatory statement(s) or levelling an unsubstantiated allegation(s) against CAU, its Members, Apex Council Member(s), Office bearer(s), Staff, Player(s), Support Staff or any other person or entity to whom these Regulations apply.

Regulation 4 (19) : Beach of Trust and Confidence

Regulation 4 (22) : Posting, publishing, displaying, circulating any hurtful, nasty or humiliating comments, comments based on rumours or hearsay, or such other defamatory / derogatory comments about any stakeholder of CAU, statements causing disrepute by way of any media including social / digital media.

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74. The regulations also contemplate the penalties to be imposed and those are as follows :

- (1) Written warning as to future conduct.**
- (2) Reprimand.**
- (3) Forfeiture of all or any of the rights and privileges for a specified period.**
- (4) Temporary suspension or permanent removal from the post / office held in the Association.**
- (5) Temporary suspension or permanent removal from membership of the Association.**
- (6) Any suitable monetary or other penalty, including full or part forfeiture/ recovery of remuneration/ fees, commensurate with the gravity/ severity of the misconduct or the damage caused or the financial loss caused or as deemed appropriate.**
- (7) Bar for a specified period or for life from involvement with the CAU.**

75. Considering the entirety of the facts and looking at the gravity of the charges already proved against Shri Prithvi Singh Negi, it calls for a strict action, one of them could be stripping him of his position of being Treasurer of the association which action cannot be taken in the present

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scenario as he ceases to be the Treasurer after having not contested the recent election for any post of office bearer of CAU held in January 2023. He thus at present he is only the ordinary member of the association as one finds from Provision 3(A) of the constitution of CAU who can cease to be member in the event of non compliance of certain provisions of the constitution. There is also an inbuilt provision that if the member of CAU is expelled or removed, he may apply for his re-admission as a member which request may be considered by the association as per the relevant provisions of CAU. This is one aspect of the matter which is being considered by me along with the penalty clause inserted in regulations, ***‘Temporary suspension or permanent removal from membership of the Association.’*** whereby the member can be temporarily suspended or can be permanently removed from the membership. I, however, do not consider it to be a case of temporary suspension of Shri Prithvi Singh Negi, instead deem it to be a fit case for removing him from being a member of CAU forthwith. Since it is removal from the membership, he may apply for his re-admission as member of CAU which aspect may be considered within the four corners of the constitution of CAU by the competent authority/body. **Ordered accordingly.**

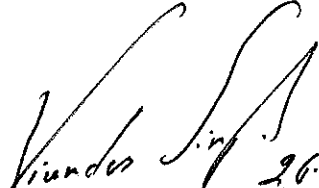
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76. I am conscious of the fact the consideration of the instant matter has been delayed for reasonably good time but the reasons for the same, in short have been described by me in the opening paras of my order.
77. The reference/compliant at hand sent to me by Cricket Association of Uttarakhand (CAU) for my adjudication as **Ombudsman** stands wrapped up.
78. The order reserved is hereby pronounced today.
79. Scanned copy of the formal order is being sent to the complainant-CAU, Shri Prithvi Singh Negi and CEO of CAU, on their respective emails. CEO is also directed to display the order on the official website of CAU without any delay. The original set of the order is retained by me for records.

Date: 26.07.2023
Place: Chandigarh


(Justice Virender Singh)
Former Chief Justice
Ombudsman and Ethics Officer