

OFFICE OF THE RETURNING OFFICER

W.F.I ELECTIONS-2023

**(In the matter of formation of Electoral College-
Himachal Pradesh State)**

**Himachal Pradesh Wrestling Association (Jagdish
Kumar, Party One) and Himachal Pradesh Wrestling
Association (Kuldeep Singh, Party Two)**

Coram: Justice Shri M.M. Kumar,
Former Chief Justice, J&K
High Court and Returning
Officer, WFI Elections 2023

Present: Representatives of Party One,
Party Two and Wrestling
Federation of India.

Date: 20/07/2023

ORDER

The Election process for conducting the election of the Executive Committee of Wrestling Federation of India was issued on 13.06.2023 notifying various stages and their dates. It was also notified that recognized and eligible Wrestling Federations of the State/UT were to nominate

two of their Executive Member as representatives by 19.06.2023 (later extended to 25.06.2023). This was in keeping with Article XIII (b) & (d) of the Constitution of the Wrestling Federation of India which provided that each of the eligible Wrestling Federations were required to nominate two Executive Members of their unit to represent that State/UT in the elections. The members so nominated by the State/UT units were to constitute Electoral College and to enable them to vote to elect a new Executive Committee of the Wrestling Federation of India.

On the last date of the receipt of such nominations Hon'ble Gauhati High Court issued interim directions by its order dated 25.06.2023 (Sunday) not to proceed with the election of the Executive Committee of Wrestling Federation of India. It is appropriate to mention that as per the election notifications dated 13.06.2023/21.06.2023, the nominations received for Electoral College were to be finally prepared and displayed by the Returning Officer on 27.06.2023 by 1:00 P.M. On account of interim directions issued by the Gauhati High Court, the election process came to standstill. However, the aforesaid interim direction of Gauhati High Court has now been challenged before the

Hon'ble Supreme Court in the case titled Andhra Pradesh Amateur Wrestling Association Vs Assam Wrestling Association in an SLP, diary no. 25626/2023. A communication to that effect has been received on my office mail from Sh. Hemant Raj Phalpher, Advocate late in the evening on 18.07.2023 (yesterday) disclosing that the Hon'ble Supreme Court has stayed the interim direction issued by the Gauhati High Court on 25.06.2023 & a copy of order dated 18.07.2023 has also been sent. Accordingly, we proceed from the stage where we were on 25.06.2023. The rescheduled process from that day onwards is being issued separately.

There are some state units where rival factions have claimed right to nominate members to constitute Electoral College. State of Himachal Pradesh is one of those states. Accordingly, it was decided to hear their point of view on 21.06.2023, the rival factions from the State of Himachal Pradesh being the State units were heard, the order was reserved because Indian Olympic Association [IOA] and WFI sought and were granted five days time to resolve the issue themselves between rival factions citing the reason to avoid embarrassment at International level. Then on

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25/06/2023 the Gauhati High Court stayed the elections process which order has been vacated by the Hon'ble Supreme Court of India (supra). Therefore the order is pronounced today. A copy of the Order is being sent to the respective parties on their respective email addresses and the same can be seen on the website: – <https://olympic.ind.in/>, <http://wrestlingfederationofindia.org/>

Two sets of nominations dated 15.6.2023 and 20.6.2023 were received from the Himachal Pradesh. On 15.6.2023 Himachal Pradesh Wrestling Association nominated 1. Shri Chander Mohan Sharma and 2. Shri Jagdish Kumar, nominated by themselves as President and General Secretary, respectively. On 20.6.2023, 1. Shri Jagdish Kumar and 2. Shri Kuldeep Singh were nominated by Shri Chandra Mohan Sharma, President and Sri Jagdish Kumar, General Secretary.

In terms of Article (IV) of the said constitution only two representatives can vote at the election, notice dated 15th June, 2023 was issued to both the factions to file their clarifications/evidence to substantiate their respective claims before the undersigned.



On 21.6.2023 both the factions appeared together with the Secretary General of the Himachal Pradesh Olympic Association namely Sh. Rajesh Bhandari. Sh. Jagdish, Sh. Rakesh, Sh. Kuldeep Singh and Sh. Mandeep Singh also appeared before the undersigned on 21.06.2023. Sh. Kuldeep Singh Rana filed CWP No. 2843 of 2018 and the same was disposed of by the Hon'ble Himachal Pradesh High Court vide its Order dated 01.6.2023. According to the direction issued by the High Court, the dispute between various factions was to be resolved amicably in a meeting of all interested parties. The directions issued by the High Court reads thus:

“In view of above submissions, interested parties i.e. H.P Wrestling Association including the petitioner, office bearers of Wrestling Federation of Himachal Pradesh i.e. respondent No.3 and H.P Olympic Association i.e. respondent No.4 through their respective representative/office bearers are directed to sit together on a date and venue to be fixed by respondent No.4 Himachal Pradesh Olympic Association, which shall be decided and communicated during next days by its General Secretary to petitioners and respondent No.3 directly as well as through

their counsel. Meeting shall be convened before 20th June, 2023.

Needless to say that in view of suggestion made for amicable settlement, this Court has not expressed its opinion on merits of rival contentions of parties. This Court trusts and hopes that with active cooperation of all stake holders, the H.P Olympic Association shall make serious endeavour for resolution of dispute dispassionately. The outcome of meeting will be informed to the Court on next date.

I have considered the oral and written submission made by both the factions namely S/Sh. Jagdish, Rakesh, Kuldeep Singh and Mandeep Singh together with Sh. Rajesh Bhandari, Secretary General of the Himachal Pradesh Olympic Association, Mr. Bhupender Singh Bajwa, Member, Ad-hoc Committee was also present along with other representative of WFI on 21.06.2023. It was jointly submitted that the matter has been resolved and their nomination dated 20.06.2023 may kindly be accepted.

A perusal of the direction issued by the High Court shows that the interested parties went to sit together and dispute between the rival factions was required to be resolved amicably. In pursuance of the direction of the



High Court, the parties met and resolved the dispute. Accordingly one member from each of the factions has been nominated to constitute the Electoral College. It is needless to observe that the order of High Court is binding on all concerned. Keeping in view that aspect, I find that no other issue fall for decision. Therefore, without going into any other aspect and feeling bound by the Order of the High Court, I accept the nomination sent on 20.06.2023 which have been filed after amicable settlement in pursuance of the Order of the High Court.

M.M. Kumar 20.07.2023

**[Justice M.M. Kumar]
Returning Officer &
Chief Justice, High Court of J&K [Retd.]**

**M.M. Kumar
Chief Justice, J&K High Court (Retd.)
Returning Officer
WFI Elections 2023**