



2025:DHC:3133



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

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**Date of Decision : 28.04.2025**

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**W.P.(C) 16754/2022**

HARDEV SINGH

.....Petitioner

Through: Mr. Saurabh Kansal, Mr. Suraj Kr. Jha, Mr. Pratham Malik and Mr. Raghav Vij, Advs.

versus

STATE GOVT. OF NCT OF DELHI &amp; ORS. ....Respondents

Through: Mr. Dhruv Rohatgi, Ms. Chandrika Sachdev and Mr. Dhruv Kumar, Advs. for R-1.

Mr. Hrishikesh Barua, Mr. Parth Goswami, Mr. Ayush Yadav and Mr. Utkarsh Dwivedi, Advs. for R-2.

Ms. Ginny J., Rautray, Ms. Devika Thakura and Mr. Ranvijay Singh, Advs. for R-3/SAI.

**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

1. The present petition has been filed by the petitioner, a senior citizen and a veteran athlete, aged about 93 years *inter alia* seeking that the respondent no.1 / Government of NCT of Delhi (GNCTD) be directed to release the cash incentives and TA/DA payable to the petitioner for having taken part in an international tournament held in 2018 i.e. the World Masters Athletic Championship which took place in Spain from 04.09.2018 to 16.09.2018 (hereinafter '*the championship*').

2. It is submitted that the petitioner participated in the said international



event and won one gold, one silver and one bronze medal in the aforesaid championship. However, the requisite TA/DA that was payable to the petitioner for participation in the said event has not been paid.

3. It is brought out in the present petition, and it is not disputed by learned counsel for the respondent no. 1, that even in the year 2017, the petitioner participated in certain international events for which the requisite TA/DA amount was duly paid. It is specifically averred in the petition as under:

*“11. It is pertinent to note that in the year 2017, the Petitioner participated in World Master Indoor Athletic Championship which was held in South Korea, Daegu and in the same year, he also participated in ASIADS 2017 which was held in Malaysia, Singapore. That after coming back from the aforesaid countries, the Petitioner submitted his bill for TA/DA and requested for cash incentive.*

*12. Thereafter, the Respondent No.1 transferred the amount of Rs. 5,22,000/- into the income of the Petitioner. The bank statements of the Petitioner of the year 2014, 2017 and 2018 showing the grant of TA/DA and cash incentive are annexed as Annexure P-2 (Colly.)”*

4. It is also the admitted position that for both the years i.e. 2017 and 2018, the petitioner’s entitlement to any TA/DA amount, was adjudged on the basis of a circular dated 25.02.2014. The same *inter-alia* provides as under:

*“No. DE.41/150/Sports/2013-14/15677-15776*

*Dated: 25.02.2014*

21	World Masters Championship Age Group 35 years & above (Male & Female)	Gold Silver Bronze	1,02,000/- 62,000/- 42,000/-
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*f) All sports disciplines which are either recognized by the Government of India and Indian Olympic Association in the year these were held will*



*be considered for cash incentive.”*

5. The eligibility condition ‘(f)’ prescribed in the above circular contemplates that for the purpose of being eligible, the concerned sport discipline ought to be recognized by the Government of India or Indian Olympic Association (IOA) in the year in which the concerned event/s were held.

6. It is undisputed that in the year 2018, the concerned event in the field of athletics was duly recognized by the IOA. In fact, the concerned sporting event/s in which the petitioner participated in the year 2018 were identical to the events in which the petitioner participated in 2017, for which the petitioner was duly paid the cash incentives and TA/DA amount under the very same circular dated 25.02.2014.

7. It is brought out in the counter-affidavit dated 24.04.2025 filed on behalf of the respondent no.1, that a circular dated 20.11.2019, issued by the GNCTD brings about a change in the aforesaid eligibility condition ‘(f)’. The same reads as under:

*“f). All sports disciplines which are organized by the sports federations recognized by Government of India or Indian Olympic Association in the year these were held will be considered for cash incentive.”*

8. It is thus evident that in terms of the aforesaid circular, it is not enough for the concerned sports discipline to be recognized by GNCTD / IOA. There is a further requirement that the concerned event must be organized by sports federation, duly recognized by GNCTD or IOA. The same circular also clearly says that the same shall be applicable to tournaments held on or after 01.04.2018.



9. Clearly, the said circular issued in 2019 could not have been made retrospectively applicable so as to nullify the entitlement of the petitioner for cash incentives or TA/DA in the period during which the petitioner participated in international events in the year 2018.

10. Reliance in this regard is placed on the judgment dated 17.01.2007 of the Supreme Court in *Suchitra Compondents Ltd. v. Commissioner of Central Excise, Guntur* being Civil Appeal No. 3596/2005.

11. At the time of the petitioner's participation in the championship in 2018, the entitlement of the petitioner was governed by the circular dated 25.02.2014. The change sought to be brought about *vide* the circular dated 20.11.2019 could have only been made applicable prospectively. As such, the same cannot affect the entitlement of the petitioner for events that have taken place prior to the said circular dated 20.11.2019 being issued.

12. In the circumstances, the petitioner's entitlement for cash incentives and TA/DA for the aforementioned championship in 2018 is to be adjudged on the basis of the circular dated 25.02.2014, which continued to remain operative till 20.11.2019. In terms thereof, the petitioner is clearly eligible for the amount of cash incentive and TA/DA, as prescribed therein, just as he was eligible for the same for the event(s) in which he participated in the year 2017.

13. In the circumstances, the present petition is allowed. The respondent no.1 is directed to process the application submitted by the petitioner for payment of cash incentive and TA/DA for international events in which he had participated prior to 20.11.2019.

14. Let the requisite payment be made to the petitioner within a period of



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four weeks from today.

**APRIL 28, 2025/cl**

**SACHIN DATTA, J**