IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, LUDHIANA

1) Mitter Sain Goyal @ Mitter Sain Meet son of Sh.Sehj Ram Gupta aged 68 years resident of 279, ST.no.5, Upkar Nagar, Civil Lines, Ludhiana.

2) Harbaksh Singh Grewal son of Joginder Singh aged 70 years resident of 526/2, B-35, Near Government Senior Secondary School, Sunet, BRS Nagar, Ludhiana.

3) Rajinder Pal Singh son of Sh.Gurdial Singh aged 68 years resident of Near Water Tank, Hambran Road, Backside PAU wall, Dashmesh Nagar, Ayali Khurd, Ludhiana

Plaintiffs….

Versus

1) State of Punjab through Principal Secretary, Higher Education and Language Department, Punjab

2) Director, Language Department, Punjab.

3) District Language Officer, Punjabi Bhawan, Ludhiana

Defendants….

Suit for declaration that formation of Sate Advisory Board under the notification of 15th November, 2002 by the defendant no.1 and 2 dated 2 June, 2020, is not in conformation or as per the notification and that the first committee formed after the notification should have been in continuity and should have been in process of retiring 1/3rd members and appointing fresh 1/3rd members each year and further that the so called screening committee appointed for the shortlisting names for Shiromani Awards by making panel merit wise is against rules and without any authority and the entire process of screening the names of screening committee and ultimate selection by the State Advisory Board is illegal, arbitrary and without any authority since the formation of board and screening committee is without any sanction of law

AND

That Shiromani Sahitkar Award etc. being given by Punjab Government through its Language Department is being given by way of favoritism, nepotism without following or creating any foolproof procedure for arriving at a conclusive conclusion to select a particular individual, further that no criteria is followed for evaluation of any particular individual being selected for giving such award and further that the rules drafted by the defendants for Constitution of the State Advisory Board are neither comprehensive nor properly framed, rather, there are no guidelines in the rule to arrive at a fair decision of selecting any individual for the purpose of giving award and further that there is conflict of interest between members of Board and the persons selected for giving the award and a mere face-saving measures are shown to have followed by absenting in the meetings, when a particular individual related to a member is selected and further that the awardee selected for the current selection process for the years 2015-2020 both inclusive by the so-called advisory board is without any evaluation policy, without application of mind, without any data available, without publicity and without seeking applications, as such, the entire process is biased, illegal, vitiated, smacks of favoritism and without any proper criteria of selection.

AND

Suit for permanent injunction restraining the defendants from issuing awards alongwith cash incentives attached to it in the name of so-called selected awardees or from conferring the awards to the selected candidates, on the basis of oral and documentary evidence.

Sir,

The plaintiffs submit as under:-

1. That the plaintiffs no.2 and 3 are the administrator i.e. sanchalaks of Punjabi Bhasha Parsar Bhaichara, a non-government organization, registered in Canada, having its units in the whole word including India. This organization and the plaintiffs are working for

promotion of Punjabi language, literature and culture and Punjabi ethos with the sole intention to preserve it and expand it and save it from attacks of dilution of its values. As such, both are concerned about the issues concerning Punjabi language, literature, culture, ethos etc.

2. That the plaintiff no.1 is engaged in writing literary work by way of short stories since 1968 i.e. his school time days and in 1971, at the time of B.A. final student, his novel "Agg De Beej" was published and well acclaimed by readers across the globe. Thereafter, he published three short stories books i.e. "Punnar Was", "Laam" and "Thos Sabut". In 1990, his book i.e. novel by the name "Tafteesh" was published, thereafter, "Kathera", "Kaurav Sabha" and "Sudar Ghar" were published. The plaintiff no.1 is well known across entire literary Punjabi family. The plaintiff no.1 is highly respected amongst all the literary people. The novel "Tafteesh" remained prescribed as text book from 1990 to 2015 for M.A. and B.A. course i.e. Guru Nanak Devi University and Panjab University respectively. "Kaurav Sabha" has remained subscribed as text book in Guru Nanak Dev University, Kurakshetra University and Delhi University in post-graduation courses. Kaurav Sabha is also prescribed as on today in L.LB course in Guru Nanak Devi University. The highest national award of Sahitya Academy was given to the plaintiff no.1 for his work "Sudar Ghar" in the year 2008. This award is very prestigious award of literature and awardees are highly acclaimed amongst its fraternity. All the novels of the plaintiff no.1 have been translated in Hindi and two in English. Hindi version of "Tafteesh", "Kathera" and "Sudar Ghar" in one volume under the name "Ram Rajya" in Hindi is published by Haryana Police Academy, Madhuban. This "Ram Rajya" is regularly prescribed by Haryana Police for reading of their trainees so as to apprise them about the criminal justice system and drawbacks therein. The police thought that this investigative novel is very useful for the police. Similarly, "Kaurav Sabha" after translation in English has been published and prescribed by National Police Academy, Hyderabad for IPS trainees. Four PHDs in Punjabi language have been completed on the novels of the plaintiff no.1 and one PHD in Hindi language. National Book Trust has published Hindi version of "Tafteesh" and Sahitya Academy has published "Sudar Ghar" in Hindi and English. Gayan Peeth has published "Kaurav Sabha" in Hindi. More than 15 people have researched on the novel of the plaintiff no.1 by writing thesis in their M.Phil studies. 12 critic books have been written on the publications of the plaintiff no.1 by many prominent Punjabi critics. This all explicitly brings out the literary talent of the plaintiff no.1 and it has been mentioned merely to highlight that such persons were never taken for consideration by calling upon their complete bio-data. As such, the plaintiff no.1 could never get

an opportunity to apply for the awards prescribed by the defendants because he never had any information about it due to non-publicity of seeking applications or forming a procedure to seek recommendations widely from all literary circles. It has come to the notice of the plaintiff no.1 that someone had recommended his name, but no one sought his bio-data in detail from him. It appears that simply some names are recommended with sketchy biodatas merely to show that there were number of names for consideration. Had the plaintiff no.1 known that such awards are going to be given, he would have definitely given his elaborate biodata alongwith his entire literary work. Due to secretive process of selecting people for giving the awards, defendants have deprived many competent people who could have been awarded the awards and similarly, undeserving have been given awards out of total favoritism and the circumstances are detailed in the preceding paras. With all humility, at the command of the plaintiffs, it is stated that all the Punjabi Sahitya Rattan Awardees, so far crowned with the awards, do not have even comparable biodata to that of the plaintiff no.1.

3. That the defendant no.1 through its Higher Education and Language Department issued notification dated 15.11.2002 vide (Copy of notification is attached as Annexure-P1) which State Advisory Board has been established to provide its suggestion to Language Department in different spheres of working with specific aims and objectives. One of it being, to recommend the name of capable persons for Punjabi Sahiyat Shiromani Award and 12 other Shiromani Awards(now the number of these awards is 17) to be given by Language Department. Such awards have been formulated by defendant no.1 and are being given along with cash award. Initially, Punjabi Sahiyat Shiromani Award (now its name has been changed to Punjabi Sahit Rattan) was attached with cash award of Rs.2.5 Lakh and other Shiromani Awards for Rs.1 Lakh and thereafter, the cash awards have been increased and as on today, there is a cash award of RS.10 Lakh for Punjabi Sahit Rattan Award and Rs.5 Lakh for other Shiromani Awards.
4. That the Constitution of the advisory board under the notification was to have Minister of Languages as President, Principal Secretary, Higher Education and Languages as Vice-President, Principal Secretary/Secretary, Cultural Affairs as member, Principal Secretary of Finance Department as member, Vice-Chancellor from Punjab States' Universities having the background of culture and language or their representative not less than the rank of Dean as member, President or the General Secretaries of Punjabi Kala Parishad, Chandigarh, Punjabi Academy, Ludhiana, Punjabi Academy Delhi, Punjabi Sahiyat Academy Haryana, Punjabi Sahiyat Sabha New Delhi, Kendri Punjabi Sabha and Kendri Punjabi Lekhak Sabha as members, two members of Kendri Sahitya Academy and Sangeet Natak Academy New Delhi as member

and Director Languages Department, Punjab as Member Secretary. All these members were as official members, while the other 12 non-official members were to be nominated by the Chief Minister on recommendation of the Language Department (now this number has been increased to 34) members related with different forms of Punjabi literature and culture as Lok Gayaki, Kirtan, Dhadhi and Bhet-Gayaki, nine members related with different forms of Punjabi literature and language of Hindi, Urdu and Sanskrit with three members of each languages, three members from prominent personalities, concerning newspaper, television and radio, six members from prominent personalities of national fame related with fields of arts, science, social service, medicine, engineering, environment etc.. Ex-officio members were to have term co-synonymous with their official term. The non-official members were to have three year term and initially, by way of lottery, 1/3rd members were to retire after one year, another 1/3rd after two year and remaining 1/3rd were to have a full term. The retiring members were to be eligible for nomination on second term, however, the members who had completed the three year term could become member again subject to maximum term of six years, however, there was to be gap between first and next term of three years.

5. That as per the knowledge of the plaintiffs, after the framing of above mentioned Rules of 2002 the first board was constituted in the year 2004. However, the proper procedure of creating a cycle of retiring 1/3rd member every year has never been followed and again another board was constituted in the year 2008, nominating all members afresh for the term of three years. Recently, the board has been constituted in June 2020, that too again for three years, as such, presently constituted board and past constituted boards are not in consonance with the notification, as such are illegal appointment.
6. That as far as Punjabi Sahit Shiromani Award (now Punjabi Sahit Rattan Award) and Shiromani Awards are concerned, the board constituted under the notification dated 15.11.2002 was only empowered to recommend the names and thereafter, the defendants should have formulated and followed a policy for having a selection criteria and selection procedure, which has never been formulated/notified nor being followed.
7. That the members so-nominated by the defendants on the different advisory boards, have no criteria to follow for granting awards, by misusing this lapse they keep applying by pick and choose method and even giving award to themselves or to their relatives and despite having conflict of interest, no check and balance was created.
8. That pertinent to mention here that the Advisory Board constituted in the year 2008 was asked to select the eligible candidates for awards for the years 2007 and 2008. Seven Board members selected

themselves for the awards and one member selected her spouse. This selection was challenged in the High Court through PIL. The case was listed in the Hon'ble High Court on 4.8.2008 and awards were to be disbursed on 8.8.2008. The Hon'ble High Court issued notice to the respondents and did not give interim relief but as per report of the proceedings, published in 'Indian Express' on 7.8.2008, the Hon'ble Judges observed "Hearing the petition, the Court observe that if the recipients realized that they didn't deserve the award, they would not receive it, but the allegations leveled against them were authentic, the Court would take back the award". However, all of them received the awards barring one person. Thereafter, amended petition was filed in Hon'ble High Court, wherein, Punjab Government submitted an affidavit through Ms.Anjali Bhavra, Secretary, Higher Education and Language Department, Punjab dated 9.7.2009 to the effect "It is stated that future State Advisory Board and Screening Committee will be composed of such persons who have no conflict of interest between their own interest and their duty in selection of awardees. In other words, it implies that if a member either of State Advisory Board or Screening Committee is also a nominee for award, he will have to resign from the membership of the committee, if his name is to be considered further." Ultimately, the writ petition was dismissed in default for non-prosecution.

9. That the defendants after submitting the affidavit in the Hon'ble High Court formed a sub-committee vide notification dt. 27.05.2009 to formulate the new Awards Policy. Meeting of the subcommittee was held on 8 September 2009. The said sub-committee did not formulate any rules but suggested that rules of Sahiyat Academy Delhi and Punjabi Academy Delhi which they have framed to confer their awards are good and that same be followed. Apart from this, it was also recommendation that if any member of the board if so wishes that his name may be considered for award, then he should resign from the board and that he would not be considered for award for the current period, however, his/her name can be considered for the future awards. The copy of the report dated 8.9.2009 is annexed herewith as Annexure-P2.
10. That the screening committee formed in the year 2010 to short list the names of awardees for the year 2009 further formulated procedure that the procedure suggested by the subcommittee will be applicable to relative/blood relation of a board member which is being considered for award. Copy of the proceedings is Annexure-P3.
11. That no proper procedure for selection of the awardees has been formulated or is being followed despite being giving assurance in the High Court for framing the rules.
12. That it is the duty of Defendant no 2 to prepare the list of prospective awardees. To prepare the said lists Defendant no 2 is duty bound to inform the prospective awardees that the defendants

are going to select the awardees in near future. The ends of justice and fair play require that this information should be given through advertisements in the leading newspapers, by way of circulars to the universities and to literary associations not only of Punjab and India but also of the whole world as for many awards the citizens of other countries are also eligible for the awards. Defendant no.2 should feel duty bound to use the social media platform also to inform the interested parties. This information must also be put on the website of the Defendants, so that it is well circulated and brought in domain of everyone. However, the defendants have been following a malpractice by not publishing this information. No notification was made that any nominees are going to be considered for awards, no procedure is prescribed for receiving the nominees. It would be pertinent to mention here that Defendants are conferring another award by the name "Sarvottam Pustak Purskar" which carries cash award of Rs.21000/-. For this award, proper notification is made by Language Department by way of advertisement in newspapers calling eligible books from authors and publishers, last date for submission of books is also fixed. However, same department of defendant is not giving public notice regarding awards which carries far high cash award and is of far more importance. Whereas, this time, during the year 2020, the defendants started process for conferring awards of Punjabi Sahiyatkar Rattan Award and Shiromani Awards for the years 2015 to 2020 (both inclusive) which carries cash award of RS.10 Lakhs and Rs.5 Lakhs respectively, but no public notification has been made for this purpose in any way to make prospective recipients aware about it so that they can come forward and make their applications for consideration or someone else can recommend names of prominent persons falling within particular category alongwith their biodata and their achievements. Even no last date for submission of recommendations or applications has been fixed.

13. That the Defendant no 2 was also duty bound to seek recommendations from independent sources. That the Language Department has never sought any recommendation from any literary people, literary organization, universities, publishers, literary associations, prominent personalities, previous awardees or even as already stated by giving public notice seeking applications/ recommendations. Not even a single letter was written by the Defendant no 2 to anyone to seek recommendations. They could have even put such thing on social domain by putting on their website. Some of the awards are concerning the overseas persons and out of State persons and by not making proper publication for inviting nominations by way of recommendation or by way of applications, huge number of competent and eligible persons might have been overlooked and deprived by not giving due publicity for seeking nomination.

This was particularly done to deprive such persons and from the backdoor, prepare own list of their choicest persons and some other names merely to prepare a panel and out of the same list, ultimately, they selected their such choicest persons, since the award carries cash award, as such, it is a clear cut case of fraud committed on public exchequer. For example sake, after following a due process, SGPC selects Raagis for performing at holy Darbar Sahib as well as for many other Gurdwaras under SGPC. To the knowledge of the plaintiffs, there are 50 Raagis performing duties at Darbar Sahib itself and there must be 1000s of other prominent Raagis throughout the country and outside country and surprisingly, only 17 names have been selected by the Language Department for giving award to Raagis. Similarly, in the category of Kavishar/ Dhaadis, only 15 names have been selected by Language Department for the purpose of selection, whereas, in two books written by Gurtej Babbi the information about 200 prominent Kavishars of Malwa region alone has been given. The defendant no.2 could have got the names of eligible Ragis from the Shromani Gurudwara Prabandhak Committee and the Delhi Gurudwara Prabandhak Committee. Similarly, the names of the Kavishars and Dhaadis could have been obtained from the Cultural Department and from the Universities. This information proves beyond shadow of doubt that no proper search was purposefully made to include the names for consideration. Similarly nothing is spelled out as from which source they have collected the names to prepare the panel. How could Singers, Raagis, Dhaadis and Kavishars could be evaluated by their bio-data alone. The expert committee if at all formed would have definitely gone into detail about the pronunciation in singing, knowledge of Raags, application of the Raags in their recitation, their combination with the instruments and ultimately their voice exponation were essential, but strangely without evaluating these things, how could one select any individual for the award. Similarly, Singers and musicians selected for the awards are only 24 in numbers, which is unbelievable. There must be many more singers and musicians running into thousands in this field.

14. That the proper criteria of evaluating any literary work is well known to most of the members of the advisory board and ex-officio members because to evaluate any literary work, one has to form a technical committee consisting of the experts on the specific subject and such experts should have been provided with the content of literary work for evaluation and comparison with each other. Neither the screening committee nor the advisory board had any material before them which could form basis for evaluation.

15. That as no last date was fixed by Defendant no. 2 for the receipt of recommendations so it continued receiving recommendations till 26th of November, one week prior to the meetings of Screening

Committee and Advisory Board. There was no limit on number of recommendations. One Gurbhajan Gill recommended the names of 120 persons, however these names were either summarily rejected for want of bio data or they are already under consideration. All these names were mentioned in the supplementary agenda. The supplementary agenda containing 24 new names was submitted before the Screening committee on the day of meeting itself. These are instances of malpractice and favoritism on the part of the Defendants.

16. That the entire bio-datas of every individual was so sketchy which included merely name, publications or mentioning about the newspaper, where they are editors or writers or their appointments with any university or educational institutions. The quality of work was not mentioned even in any bio-data, meaning thereby that the content of work was not before the screening committee and strangely enough still opinion was formed for selection and rejection of names. Defendant no 2 was so careless and casual that even the names of dead persons were included in the names of lists prepared by it, such as Jasdev Singh Dhaliwal, K Deep and Balbir Singh Behla. The screening committee excluded two names of dead persons in their recommendation i.e. of Jasdev Singh Dhaliwal and K Deep, whereas, it recommended the name of Balbir Singh Behla, who had died in the year 2012 and how could he be considered for award for the year 2015 to 2020. The advisory board selected him for the award despite that he was not living. It is quite apparent that names were recommended and added under pulls and pressure with clear favoritism.

17. That out of the 24 names by way of additional list, two names of Ishwar Nahid and Darshan Dhaliwal were recommended even without bio-datas, in their bio-datas only their names were mentioned, and rest of the columns were left blank, ultimately, Darshan Dhaliwal was able to get the award by without providing his qualifications to the screening committee and advisory board, however, still they were able to evaluate and approve him for the award apparently by way of Manu Samriti.

18. That it may be further be added that Defendant no 2 prepared two agendas. First agenda contained the names of and bio-data's of about 540 names of prospective awardees. It contained seven more items which were to be discussed by the State Advisory Board. Though the State Advisory Board was constituted on 02 June 2020 and the Screening committee on 15 September 2020, still agenda was circulated to the members after 26th of November 2020 for meeting of screening committee on 1 december 2020 and of advisory board on 3rd dec. 2020, i.e. only a few days prior to the respective meetings of the Screening Committee and the Advisory Board. It was not circulated well in advance so as to enable them to do any homework and personal evaluation of each nominee, moreover as already stated there was no material in bio data of any member as such there was no

content available with both the committees to form a comprehensive and fair opinion. The supplementary agenda was supplied on the day of meetings. Due to this intentional lapse of the Defendant no.2 the members of the committee and the board could not go through the names and also could not apply their mind to access the merit of the candidates.

19. That by ignoring the Rules of 2002 the Defendants constituted the State Advisory Board for three years vide notification Dt.02 June 2020. The tenure of the members was fixed for three years. Later on by another notification Dt. 17.09.2020 some more members were added in the board. Neither the Rules of 2002 nor any other Rule prescribe the constitution of any Screening committee to shortlist the names of prospective awardees out of the lists prepared by the Defendant no.2. Arbitrarily the defendants constituted a Screening committee vide notification Dt. 15.09.2020. In this committee 14 non official members were nominated. All were also members of the State Advisory Board. Nomination of members of State Advisory Board on the Screening committee is also against the principles of natural justice and is illegal. Moreover, the constitution of the board itself is illegal and contradictory to the rules itself, as such the board itself is not competent to function nor it can confer awards arbitrarily and illegally without any well-founded criteria appealable to conscious mind.

20. That the meeting of the Screening Committee was held on 1.12.2020 in the office of Defendant no.2 at Patiala. In this meeting, 12 members out of 14 nominated members attended the meeting. The Defendant no.2 submitted the names of about 564 prospective awardees before the committee for short listing. The screening committee as per the knowledge, sat only for single day and that too not more than four hours and strangely enough Screening Committee shortlisted 300 names for 108 awards for a total of 18 categories for a period of six years. It would be pertinent to mention here that screening committee ignored

about 264 names, which included personalities like Dr.Sardara Singh Johal, Ex.Akal Takth Jatehdar Kirpal Singh Badungar, Rani Balbir Kaur, Rana Ranbir, Satinder Sartaj, Ajit Kaur, Bachint Kaur, Dev Threeke Wala, Prem Gorkhi, Balbir Madhopuri etc. These names are well known in their own fields and acclaimed throughout the world. It is not digestable by any well meaning person that awards of such importance and carrying cash compensation drawn from public exchequer were finalized without giving any reason of selection or rejection. The entire exercise was carried out without application of mind in a summary manner which clearly smacks of nepotism, favouritism, conflict of interest and by way of self serving exercise to put money in the pockets of selective undeserving people and ignoring established personalities. The purpose of giving awards

with cash incentives is to encourage talent and help them in further improving on it and also make it popular with the intention to attract more young/emerging talented persons to work hard in their respective fields. However, making mockery of the selection process has given rise to discontent and discouragement to the entire literary family.

21. That for 14 categories (84 awards) panels of 3 names and for four categories (24 awards) panels of 2 members each were prepared. The panels of 2 members were prepared only with the ulterior motive to guarantee the award to their favorites. The names mentioned in the panels are not as per alphabetical. It means that the names have been given priority as per merit i.e. no.1 on top of merit proceeded by next. Out of these total 108 recommendations, the advisory board did not change the recommendations of 96 names and in case of other 8, they gave it to the next proposed name.

22. That it is strange that how in the selection process they considered particular names out of 564 names for a particular year and if at all, one person was not found to carry the award for first year, then he was not considered for subsequent years and similarly, while selecting out of the panel, if Advisory Board selects one name say for the year 2015, then why the rejected name could not be considered for the subsequent year. There is no criteria disclosed how they created compartments of six years. As a matter of fact, it is quite apparent that selection was made with pre-determined biased mind with all ultimately selected names added in particular year merely as an eyewash, screening committee gave the panel and then the advisory board consisting of the other members including screening committee members further selected one name out of the panel. The entire process is not only laughable; rather they are clearly throwing dust in the eyes of everyone to gobble-up the public money by distrusting the same to their own favoured ones.

23. That the Screening committee very strangely and conveniently were making adjustment to select their choicest persons for giving award and in their endeavor to achieve the target of bestowing award on their own favoured persons, of their own, kept on changing the categories from one field to the other. There are five such names namely Dr. Anoop Singh Batala, Dr. Ravi Ravinder, Darshan Dhillon and Gurbachan Singh and all four were given award. This single act vindicates the allegation of the plaintiff that screening committee was mere eyewash. It was a hand-made procedure created by the advisory board to put their choicest people in the recommendation list and ultimately, select predetermined names, because of this reason no publicity to seek names was followed nor material was solicited to have a proper comparative study and ultimately to select best out of the available applicants.

24. That the sub-committee constituted by the Govt. of Punjab to frame the Shromani Puraskar Policy in its meeting dated 08.09.2009 recommended that the name of a prospective awardee should be mentioned only in one category of the award. It was clarified that if the defendant no.2 notices that the name of a prospective awardee is mentioned in lists of two categories of awards then the defendant no.2 should put his name in that category for which his overall contribution is excellent. The defendant no.2 ignored this direction of the sub-committee and mentioned the names of at least 3 prospective awardees in the lists prepared for two categories such as the name of Dr. Ravi was recommended for the award of 'Alochak and 'Sahitkar', of Jagir Singh Jagtar in 'Pattarkar' and 'Sahitak Pattarkar', of Balabir Parwana in 'Pattarkar' and 'Sahitkar'. It is pertinent to mention here that all these three persons were selected for one award or the other. This behavior of the defendant no.2 clearly establishes that it was partial, illegal and against the rules.

25. That the plaintiffs sought through RTI about the procedure of selection and they were provided one Viyakhya Pattar and on further enquiry, it has been admitted by the defendants that they do not know that how this Viyakhya Pattar has been prepared, who has prepared the same, under whose authority it has been prepared, nor there are any proceedings available with the defendants. It may further be added that once notification was made for formulation of the advisory board, thereafter, there was no rule making authority with anyone. If at all any rules were to be prepared, the same should have been prepared by following a due process by notifying the same. This Viyakhya Pattar is nothing but sham useless paper which cannot be made criteria for any selection as it does not carry any legal sanction. This Viyakhya Pattar has been prepared in a cleverly manner so as to authorize the advisory board itself to make selections by pick and choose method. This Viyakhya Pattar is attached herewith as Annexure- P4. It would be pertinent to mention here that even this so-called Viyakhya Pattar was ignored, e.g. as per the qualification for the award of Shiromani Punjabi Sahiyatkar (Out of Punjab), one should have been living outside Punjab for at least 10 years or more, however, one selected nominee Dr.Ravinder Kumar, who is presently posted as Associate Professor in the Delhi University, whose bio-data itself speaks that till 2014 he remained in Punjab and has been in Delhi since 30.01.2014 only, however, still he was awarded the Punjabi Sharomni Sahitkar Award (out of Punjab). Similarly, as per item no.13, for Shiromani Punjabi Sahiyatak Patarkar Puraskar, there is a requirement that one should either be an editor of a Punjabi Rasala/weekly or is doing literary reporting to such paper, however, this award fot the year 2018 has been given to one Dr.Harjinder Sing Walia, who claims to be editor

of a literary magazine namely "Manch" which was published by him from the year 1979 to 1983. This magazine from 1983 is not in publication. Giving award to such ineligible person pinches the conscious of every individual that on such a sketchy bio-data, the screening committee could find him eligible for the award without going through his publication or reporting work. Previously Defendant no. 2 prepared the list of about 540 prospective awardees. These names were added in the Agenda no, 1. This agenda consisting of 224 pages was sent to the members of the SC after 26th of November 2002 i.e. about 4 day prior to the meeting of the Screening Committee. To some members this agenda was sent only through WhatsApp. Then the Defendant no. 2 prepared Supplementary agenda. In this agenda 24 more names were recommended for awards. Strangely this agenda was given to the members of the Screening Committee at the time of the meeting. Out of these 24 names the Screening Committee included the names of 16 persons in their panels. Strangely out of 16, 12 persons were selected for awards. Screening Committee added these names in the panels hastily and without applying the mind.

26. That thereafter, Screening committee of its own added another sixteen names in the panels. Their bio-datas were not considered as these were not provided by the proposers. Out of these 16, at least 6 persons (namely Kailash Kaur, Jaswant Kaur Daman, Tejinder Harjit, Sharan Kaur, Dr.Ramakant Angrish and Dr.Gursharan Kaur Jaggi) were selected for awards. It is further added that one Dr. Jaswinder Singh member of advisory board resigned on 23.11.2020 on personal grounds and his wife Dr.Dhanwant Kaur was put into panel of the awardees by the screening committee and was ultimately, selected for the award. Not only this, one another ex-officio member Dr.Tejwant Singh Maan, President, Kendri Punjabi Lekh Sabha (Sekhon) wrote a letter dated 27.11.2020 to Director, Language Department that since his name is being considered for the highest award i.e. Punjabi Sahiyat Rattan Purskar, as such, he will not be attending the meeting and instead, the Secretary would attend the meeting and strangely enough, he too get the award of RS.10 Lakhs. As per the affidavit given before the High Court and as per the recommendation of the sub-committee, both of the awardees should not have been considered for the present six years, but could only be considered for future years, that too if both the members had resigned. It is pertinent to mention here that Dr.Tejwant Singh Mann similarly skipped the meeting of the Advisory Board held on 29.10.2011 to decide the Shromani Awards for the year 2010 and 2011. Instead of him, the Secretary of the Kendri Punjabi Lekh Sabha attended the meeting. In this meeting, Dr.Tejwant Singh Mann got the Shromani Punjabi Sahitkar Award for the year 2010. His selection for this award in the year 2011 is also illegal and against the directions of

the Hon'ble Punjab and Haryana High Court and the decisions taken by the sub-committee constituted by the Govt. of Punjab to frame the policy for Shromani Puraskar. The sum total of the sequence of events clearly speaks that there is conflict of interest and the entire process is hotchpotch and huge public money amounting to about Rs.6 Crores is at garbs and at the hands of such selfish people.

27. That the meeting of the State Advisory Board was held on 03 December 2020 to select the names of 108 awardees. There were seven more items such as sanction of grants to libraries, Sahit Sabhas, needy Writers, the dependent family members of the deceased Writers, financial help to publish the books etc. The meeting started at 12.00 Noon. The sealed envelope containing names of 300 candidates selected by the Screening committee were supplied to the members of State Advisory Board in the meeting itself.

28. That the members other than the members of the Screening committee were not given sufficient time to go through the recommendations of the Screening committee intentionally so that they may not form rational opinion about the merit of the candidates and the interested persons may succeed in getting the names of their favorites selected without discussion. The example of this callous attitude of the interested persons is apparent from the fact that the panels which were consisting of three hundred names of prospective awardees and which were sealed in the envelopes were supplied to the other members at the time of the meeting. As per Prof. Chaman Lal the supplementary agenda which suggested 24 new names was not supplied to the other members till the start of the meeting. The panels and the supplementary agenda was supplied to the other members only to keep them in dark about the merits of the proposed awardees and to prevent them from giving their independent opinion in case of each member.

29. That the State Advisory Board is divided in two groups. The first group comprises of influential persons. All members of this group are also the members of the Screening committee. The second group comprises remaining other members. The members of this first group knew the names of the shortlisted prospective awardees as the panels of such members were prepared by them, being the members of the Screening committee. Obviously, they were interested in getting the persons of their choice selected for the awards. With this ulterior motive the members of the first group kept the names of shortlisted prospective awardees secret from the members of the second group. To achieve their goal the envelopes containing names of shortlisted persons were supplied to other members at the start of the meeting. There was no fun in keeping the names secret from some members though these were already known to 12 members being members of the Screening committee. Due to this well planned conspiracy of the

members of the first group, the members of the second group could not go through the long list of 300 names to form independent opinion about the competence of each member which was impossible in the short time. From the beginning of the meeting of the Advisory board one influential member imposed his opinion on other board members. The first group even did not allow the members of the second group to put their opinion about the proposed awardees in the house. Even the members of the first group shouted in the meeting on the members of the second group. The members of the first group, in furtherance of their conspiracy, did not allow discussion about the merit of each candidate, coolly and patiently. The Advisory Board was duty bound to assess the merit of the each candidate by examining his or her contribution to the field of his work. The merit was not to be judged on the basis of the number of members which support or oppose the candidate. Surprisingly even the merit of a candidate for the highest award of Punjabi Sahit Rattan, i.e. of Ajit Cour, was judged by raising hands in her favor. Such yard sticks adopted by the members of the Advisory Board while selecting the awardees shows that the selections were biased, not on merit and were illegal abinitio. It is apparent that the purpose of the meeting of the Advisory Board was only to decide the names of the awardees. The members were interested in the selection of their favorites and not in the development of Punjabi Language, literature and culture which is clear from the fact that other seven items of agenda were not even touched (discussed).

30. That the lasting of the meeting for only three to four hours is enough to establish that the names of three hundred persons mentioned in the panels were not discussed at all. Merit of a candidate cannot be assessed in the fraction of a minute. The names of 300 persons were finalized within just three hours which is impossible.

31. That the above mentioned facts (What happened in the meeting) have been disclosed by Prof. Chaman Lal, a member of the Advisory Board, who was present in the meeting. He has highlighted sorry state of affairs in his letter Dt. 17 March 2021 which he addressed to the Chairman-cum-Minister of Higher Education and Language Department, of the Advisory Board. Prof.Chaman Lal has specifically mentioned that during the meeting of the Advisory Board '…some of the members in the Advisory Board behaved and imposed their choices on the board, it was shameful'. '… in the very beginning of the meeting I have raised the issue that the rules of the Department have been ignored or bye-pass in case of some of the bio datas of the writers…'. He further stated, '… in the meeting of state advisory board, hardly any discussion takes place on the merit of the nominees for the award. Screening committee brings three names for each category of the awards and if it is many years pending

awards then three names each for each year for each category, which itself is defective procedure. Even before three names are fully read, the members start shouting on one name without any discussion…'. He cites an example in support of his allegation, 'In case of Punjabi Sahit Rattan award, rather than discussing patiently and coolly the merits of respective candidates and reaching a consensus, the matter without any discussion was put to vote by raising hands and a ridiculous decision was taken when one of most respected writers of Punjabi, Ajeet Cour was rejected with only four hands raised in favor of awarding her!…'. '… Though agenda of the meeting is sent a week or so before the meeting, supplement agenda is sent only a day before the meeting, which includes few such names, which are immediately shortlisted by the screening committee and most of them are even given awards to them. This lack of transparency affects the credibility of the awards itself.' He further disclosed that 'The screening committee though constituted in September 2020, was conveyed to the members of advisory board only at the time of meeting for 3rd December was conveyed, that was also lack of transparency even to members of the board.' Prof Chaman Lal concludes, '… It won't be fair on my part to say that merit was totally ignored, but it can be said that in almost half of the cases, merit was ignored.' Copy of the letter of Prof Chaman Lal is attached as Annexure-P5. The content of this letter has took off the lid from the stinking boiling pot full of illegalities as already highlighted in preceding paras.

32. That the conclusions drawn by Prof Chaman Lal are further fortified from the fact that the Advisory Board changed twelve names which were mentioned at serial no.1 of the panels. These changes were made without recording the reasons in writing. Out of these twelve, nine persons were selected who were placed at serial no.2 in the panels. In place of Harsh Kumar Harsh, Krishan Kumar Toor, Dr. Aruna Goyal, Dharma Singh Kamyana, Dr.Sham Sunder Deepti, Balbir Madhopuri, Laat Bhinder, Sukhwant Singh Tangra, Bhai Rai Singh, Jog Raj Sodha, Dr.Swaraj Bir Singh and Manmohan Waris Raji Seth, Mohd Bashir, Sharan Kaur, Sri Ram Arsh, Dr.Gursharan Kaur Jaggi, GD Choudhary, Jagir Singh Jagtar, Dr.Jagbir Kaur, Bhai Gurmail Singh, Kulwinder Butter, Dr.Satish Kumar Verma and Pali Detiwalia were selected. 96 names were approved for awards whose name were mentioned at serial no 1 on the panels prepared by Screening committee, as the panels were prepared by the members of the first group.

33. That the Defendant no.3 is posted and having office at Ludhiana as District Language Officer. In this capacity, he was duty bound to recommend the names of eminent personalities residing in District Ludhiana for the awards. Hundreds of Writers, Artists and Journalists etc. are residing in this district who are qualified for

these awards. A few names such as Gurcharan Kaur Kochhar, Karamjit Singh Aujla and Tarlochan Jhande, Tarlochan Lochi, Gardish Grewal, Sukhwinder Rampuri, Surinder Rampuri, Jasdeep Jhajj, Sukhjit, Gurdyal Dala, Gurnam Singh Seetal, Harbans Akhara, Ajit Pyasa, Harkomal Brar, Kesar Singh Neer, Bhupinder Mann, Prabhjot Sohi, Prof Kishan Singh, Dr. Kulwinder Minhas, Ishar Singh Sobti, Tajinder Markanda, Surinder Kailley are mentioned for reference. The defendant no.3 has not recommended even the name of a single person residing in district Ludhiana for these awards. He even has not recommended the name of a single Writer or the dependent of a deceased Writer for financial help. He neither recommended the name of any Sahit Sabha or library for financial aid etc. That the casual approach of preparing the list is quite evident. It appears that firstly a list must have been prepared of the persons whom awards were to be given. Thereafter, other names were added to show that out of huge numbers, they have been selected.

34. That the ends of justice , fair play, equity etc. desired that ideally, for any vocal or instrumental exponation, a live performance at one stage should have been the ideal process to follow for selecting by notifying specific technical committee or there already performed performances sort from the applicants should have been put before such committee for evaluation. Failing which merely on mentioning of brief bio data containing name, parentage, Date of birth, name of publication, history of awards won, work experience etc. could not by any stretch of imagination was an appropriate base or data for evaluating amongst applying candidates.

35. That not only this, the advisory board apart from making mockery of the selection process ultimately, to make the balance interse themselves to adjust some favoured names of first group kept on changing the categories because the main purpose was to give money award to their own choicest people. To utter astonishment of every thinking mind the members of advisory board were quiet comfortable in selecting the final names for the awards for six years of 18 categories numbering 108 awards in a single meeting, which claims to have held for 3-1/2/ 4 hours.

36. That as per the scheme of things, the awards being so given are lifetime achievement awards and such awards can only be given once to any one person however in utter nepotism and corruption, such awards are being repeatedly given to the recipients who have already received the awards which is unforeseen and unbelievable to commonsense. For example, out of the present selected awardees, five so called selected persons namely, Om Parkash Gasso, Gurbachan Singh Bhullar, Gulzar Singh Sandhu, Fakhar Zaman and Dr. Tejwant Maan who had earlier also been awarded with Shiromani Punjabi Sahitkaar Puriskaar and now again by changing the name of the same award, they are being awarded with Punjabi Sahit Rattan. It would be pertinent

to mention that earlier award name has been changed now to this name whereas otherwise it is the same award.

37. That the legal notices u/S 80 CPC were issued to the defendant by the plaintiffs. Plaintiff Harbaksh Singh Grewal issued legal notice on 05.01.2021 through Shri Harish Rai Dhanda Advocate and plaintiff no.2 Rajinder Pal Singh on 02.03.2021 through Shri Gurmail Singh Nahar Advocate of Ludhiana. In response to the legal notice given by Shri Gurmail Singh Nahar, the Govt. of Punjab Department of Higher Education and Language Department vide letter dated 16.04.2021 directed the defendant no.2 to do the needful and to inform the action taken by him to the plaintiff. The defendant no.2 has not even complied with this direction of defendant no.1. Despite these notices the defendants have not granted the sought relief. As such the suit is maintainable against the defendants after performing requirement of Section 80 CPC.

38. That the plaintiffs have good prima facie case, balance of convenience is also in favour of the plaintiffs, even otherwise the state will suffer irreparable loss and injury if injunction claimed is not passed in favour of the plaintiffs. The plaintiffs being citizens of India will also suffer irreparable loss if the state suffers loss.

39. That the cause of action arose to the plaintiffs when the defendants passed notification for constituting State Advisory Board and again when the spirit of notification was not followed and ignored and again when 1/3rd members were not retired as per the notification and regular vacancies were not filled from time to time and again when all of a sudden vide fresh notification in June, 2020 and complete board was constituted ignoring the spirit of notification and scheme of nomination members and again when undertaking was given in the court by the defendants through its officials to relook into the policy of giving awards and again when ignoring conflict of interest with pre-determined mind a mere formality was followed in appointing screening committee and again when no clear cut policy and mode of selection was spelled out and the screening committee without evaluating biodata of any candidate and without availability of the literary content before them arbitrarily, injudiciously and in utter favouritism, names were recommended and again when the so called State Advisory Board by raise of hands selected their own henchmen without even discussing the merit rather no material of merit was available with them and the cause of action is a continuing one. The cause of action arose to the plaintiff no.1 when his name was never recommended in proper prospective, but by giving very sketchy bio-data and the plaintiff no.1 could never get opportunity to apply himself by giving his complete biodata by attaching his literary work for consideration, despite the fact that he has more than half century of commitment to

literature by way of bringing out his books and writings, giving cause of action to file this suit and this cause of action is also continuing one.

40. That no such suit between the parties on the same or the similar cause of action has either been filed or pending or decided by any courts of competent court jurisdiction.

41. That the Value of the suit for the purpose of court fee and jurisdiction on the relief of declaration and permanent injunction is assessed as Rs.500/- each on which a fixed court fee of Rs.50/- each is payable and thus a total court fee of Rs.150/- is paid on the plaint.

42. That this Hon'ble Court has got the jurisdiction to entertain and try the present suit as the defendant no.3 is having office at Ludhiana and he is specifically posted at Ludhiana. Even otherwise, the plaintiffs had issued notice from Ludhiana, the reply was also sent at Ludhiana, the plaintiffs reside at Ludhiana and the awards were to be given to the claimants residing throughout Punjab as such, the courts at Ludhiana are competent to entertain the present suit.

It is therefore prayed that a decree for declaration that formation of State Advisory Board under the notification of 15th November, 2002 by the defendant no.1 and 2 dated 2 June, 2020, is not in confirmation or as per the notification and that the first committee formed after the notification should have been in continuity and should have been in process of retiring 1/3rd members and appointing fresh 1/3rd members each year and further that the so called screening committee appointed for the shortlisting names for Shiromani Awards by making panel merit wise is against rules and without any authority and the entire process of screening the names of screening committee and ultimate selection by the State Advisory Board is illegal, arbitrary and without any authority since the formation of board and screening committee is without any sanction of law;

AND

That Shiromani Sahitkar Award etc. being given by Punjab Government through its Language Department is being given by way of favoritism, nepotism without following or creating any foolproof procedure for arriving at a conclusive conclusion to select a particular individual, further that no criteria is followed for evaluation of any particular individual being selected for giving such award and further that the rules drafted by the defendants for Constitution of the State Advisory Board are neither comprehensive nor properly framed, rather, there are no guidelines in the rule to arrive at a fair decision of selecting any individual for the purpose of giving award and further that there is conflict of interest between members of Board and the persons

selected for giving the award and a mere face-saving measures are shown to have followed by absenting in the meetings, when a particular individual related to a member is selected and further that the awardee selected for the current selection process for the years 2015-2020 both inclusive by the so-called advisory board is without any evaluation policy, without application of mind, without any data available, without publicity and without seeking applications, as such, the entire process is biased, illegal, vitiated, smacks of favoritism and without any proper criteria of selection.

AND

A decree for permanent injunction restraining the defendants from issuing awards alongwith cash incentives attached to it in the name of so-called selected awardees or from conferring the awards to the selected candidates, may kindly be passed in favour of the plaintiffs and against the defendants with costs.

Any other additional or alternative relief to which the plaintiffs are found entitled, may also be granted in favour of the plaintiffs.

Plaintiff

Through Counsel

Dated:

Advocate

Verification:

Verified that the contents of paras no.1 to 40 of the plaint are true and correct as per knowledge and paras no.41 and 42 of the plaint are true and correct as per our information.

Verified at Ludhiana on

Plaintiff