



2026 INSC 981

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026

[Arising out of Special Leave Petition (Civil) No. 28855 of 2026]

INDIAN KAYAKING AND CANOEING ASSOCIATION APPELLANT

Versus

UNION TERRITORY OF J&K AND ORS. RESPONDENTS

ORDER

1. Leave granted.
2. This appeal arises from the common judgment and order dated 11.08.2026 passed by the High Court of Jammu & Kashmir and Ladakh at Srinagar in WP(C) No.987 of 2026, heard along with LPA No.173 of 2026 and CCP(S) No.215 of 2026. By the impugned judgment, the Division Bench dismissed WP(C) No.987 of 2026, vacated the interim order dated 06.05.2026, consequently disposed of LPA No.173 of 2026 as infructuous and closed the contempt proceedings. (For short “**Impugned Order**”)

FACTUAL MATRIX

3. The relevant facts shorn of unnecessary details necessary for determination of present appeal is that the appellant, Indian Kayaking and Canoeing Association, is a recognised National Sports Federation concerned with the discipline of Kayaking and Canoeing. Its annual recognition for the year 2026 was renewed by the Ministry of Youth Affairs and Sports up to 31.12.2026, subject to the outcome of the relevant court proceedings.
4. Respondent No.3 – Ms. Bilquis Mir, is a government employee serving as a Physical Education Teacher in the Department of Youth Services and Sports, Union Territory of Jammu and Kashmir. The appellant selected her for the coaching assignment concerning the Indian National Kayaking and Canoeing Team in connection with the preparatory programme for the Asian Games, 2026. The period indicated by the appellant for the coaching programme was from 15.02.2026 to 30.09.2026. The record also indicates that respondent No.3 was appointed as an International Technical Official for the Canoe Sprint discipline for the Asian Games Nagoya 2026. She was separately selected to officiate as the Chief Finish Line Judge at the 2026 ICF Canoe Sprint World Cup at Szeged, Hungary, scheduled between 08.05.2026 and 10.05.2026.
5. On 03.02.2026, the appellant addressed a communication to the competent authorities of the Union Territory requesting that the services of respondent No.3 be made available for the National Coaching Camp.

The communication specifically referred to the necessity of an experienced coach for the preparation of the Indian team for the Asian Games and sought her services for the period from 15.02.2026 to 30.09.2026. As no decision was forthcoming, reminders were addressed on 01.03.2026 and 02.04.2026. The latter communication specifically adverted to the urgency of the National Coaching Camp, the effect of the continued non-availability of the coach upon the preparation of the Indian team and sought issuance of the necessary permission/No Objection Certificate.

6. With the request remaining undecided, the appellant instituted WP(C) No.987 of 2026 before the High Court on 30.04.2026. The substantive relief sought was a writ of mandamus directing the official respondents to grant the requisite permission, relieving order and No Objection Certificate to respondent No.3 to discharge her duties as Chief Coach of the Indian National Team and to participate in the Asian Games 2026 preparatory programme and connected international assignments.
7. On 05.05.2026, WP(C) No.987 of 2026 was directed to be listed with WP(C) No.790 of 2026, which had been instituted by respondent No.3. On the following day, respondent No.3 withdrew her own writ petition with liberty to approach the Central Administrative Tribunal. The writ petition instituted by the appellant-Association, however, continued independently. On 06.05.2026, after considering the material placed by the appellant, the learned Single Judge found a prima facie case for interim protection. Respondent Nos.1 and 2 were consequently directed to accord provisional permission to respondent No.3 to discharge her duties

as Chief Coach/Coach of the Indian National Kayaking and Canoeing Team for the Asian Games 2026 and to travel to Hungary for officiating at the ICF Canoe Sprint World Cup. The permission was expressly made subject to the final outcome of the writ petition and at her own risk and cost. The direction, however, did not result in respondent No.3 being enabled to participate in the Hungary assignment. In her representation dated 14.05.2026, respondent No.3 recorded that the World Cup had already concluded and that the opportunity to officiate therein had been lost. She thereafter sought immediate compliance insofar as the continuing National Coaching assignment was concerned.

8. Eventually, the Government of Jammu and Kashmir issued Government Order No.25-JK(YSS) of 2026 dated 19.06.2026. The order referred to the appointment of respondent No.3 as a Physical Education Teacher, her applications concerning travel to Hungary between 08.05.2026 and 10.05.2026 and to Japan between 19.09.2026 and 04.10.2026, the applicable instructions relating to foreign travel, and certain issues concerning her service record and pending proceedings. Significantly, the Government Order itself extracted the applicable instructions to the effect that applications for permission to travel abroad were required to be dealt with expeditiously and that permission ought not to be denied or delayed in genuine and justified cases. Nevertheless, the Order proceeded to refer to earlier foreign visits, a pending departmental inquiry, questions concerning compliance with the B.P.Ed. condition and an Anti-Corruption Bureau reference.
9. The ultimate operative portion of the Government Order stated that

respondent No.3 was under inquiry and treated this circumstance as disentitling her to permission. It further referred to her previous foreign travel and rejected her claim for NOC/permission for travel to Hungary and Japan on the ground, *inter alia*, that requisite documents had not been furnished through the prescribed mode and, consequently, vigilance clearance could not be processed.

10. Contempt proceedings thereafter came to be initiated. On 13.07.2026, the learned Single Judge recorded concern with respect to the non-compliance with the order dated 06.05.2026 and called upon the official respondents to furnish an updated status regarding the relieving of respondent No.3 for the assignment sought by the appellant.
11. By an order dated 28.07.2026, the learned Single Judge noted that the World Cup event had already passed and expressed concern that the Government Order dated 19.06.2026 had dealt with the controversy substantially as an ordinary service matter without addressing the national sporting assignment for which the appellant had sought the services of respondent No.3. The Court required production of further material and the personal appearance of the concerned Commissioner/Secretary.
12. On 03.08.2026, the learned Single Judge directed production of the Government file. The order recorded that the National Coaching Camp had commenced at Bhopal and also adverted to the forthcoming participation of the Indian National Team in the Asian Games commencing on 19.09.2026. It was expressly observed that time was of the essence in

the adjudication of the writ petition. In the meanwhile, the Union Territory had instituted LPA No.173 of 2026 against the interim order dated 06.05.2026. When the appeal was taken up, the parties agreed that WP(C) No.987 of 2026 itself could be finally adjudicated. The matter was accordingly heard by the Division Bench and reserved for judgment on 04.08.2026.

THE IMPUGNED JUDGMENT

13. By the impugned judgment dated 11.08.2026, the Division Bench held, in substance, that respondent No.3 continued to be a government employee and that merely because she had been selected by the appellant-Association for a national sporting assignment, no enforceable right arose to compel the employer to issue an NOC, relieving order or foreign travel permission. As such, the High Court characterised the arrangement as one of deputation and held that the lending Government retained administrative discretion whether or not to spare the services of its employee.
14. The Division Bench also made observations concerning the conduct of respondent No.3, her alleged previous foreign travel and the qualification prescribed for her appointment as a Physical Education Teacher. It thereafter held that no enforceable legal right had been established and upheld the action of the competent authority in view of the applicable Conduct Rules, Government instructions, pending departmental proceedings and absence of requisite clearances.

15. At the same time, the High Court expressly found substance in the appellant's grievance that its request had remained unattended for a considerable period. It held that administrative authorities must act with reasonable promptitude in matters concerning national and international sporting events and observed that delay could prejudice not only the concerned employee but also the larger national interest. It nevertheless concluded that, once the Government had subsequently passed the order dated 19.06.2026, the grievance regarding delay “pales into insignificance”.
16. Lastly, the High Court directed the Government of India, Ministry concerned with Youth Affairs and Sports, to formulate a statutory or otherwise enforceable framework governing the placement of the services of Government employees who are outstanding sportspersons at the disposal of recognised National Sports Federations.

SUBMISSIONS ON BEHALF OF THE PARTIES

17. Learned Senior Counsel Mr. Najmi Waziri appearing for the appellant has principally urged that the High Court misdirected itself in proceeding on the premise that the appellant asserted an absolute right to obtain the services of respondent No.3. The grievance, it is submitted, was fundamentally against prolonged executive inaction in a time-sensitive matter and against the failure to take into account the public interest involved in the preparation of the Indian National Team.

18. It is further submitted that the administrative decision dated 19.06.2026 could not retrospectively cure the failure to act upon repeated communications beginning from 03.02.2026, particularly when the international assignment in Hungary had, by then, already concluded. The appellant also questions the legality of an executive order inconsistent with an operative judicial direction dated 06.05.2026.
19. Learned counsel Mr. Parth Awasthi appearing for the official respondents, on the other hand, has supported the impugned judgment. It has been urged that respondent No.3 is a Government employee governed by the applicable service and conduct rules and that permission for foreign travel is not a vested right. It was further submitted that that departmental proceedings were pending and that requisite documents necessary for vigilance clearance had not been furnished.

CONSIDERATION

20. Having heard learned counsel for the parties extensively and upon consideration of the material on record, we are of the considered view that the present matter required indulgence to the Impugned Order.
21. At the outset, we agree with the High Court to the limited extent that neither a Government employee nor a borrowing organisation can claim an absolute or indefeasible right to deputation or foreign travel and the employer is entitled to take into account service exigencies, applicable rules, disciplinary proceedings and other relevant considerations.

22. The matter, however, does not end there. The absence of an absolute right to obtain a favourable administrative decision cannot be equated with the absence of a right to fair, reasonable, non-arbitrary and timely consideration of a request, which in our considered opinion are two distinct propositions. It is settled position of law that administrative discretion is not placed beyond judicial review merely because the ultimate relief sought lies within the discretion of the executive. Article 14 of the Indian Constitution operates upon the exercise of administrative discretion as much as it does upon a statutory decision. Where an authority is vested with discretion, it must consider the matter on relevant considerations, exclude extraneous considerations, apply its mind to the purpose for which the request has been made and act within a reasonable time.
23. This distinction assumes particular significance in the present case. The appellant was not seeking the services of respondent No.3 for an indefinite private engagement. The request emanated from a recognised National Sports Federation and concerned preparation of an Indian National Team for an identified international sporting event. The request was therefore required to be considered in that factual setting. At this juncture, it is apt and appropriate to refer the relevant dates which hold significance. The first request was made on 03.02.2026. It was followed by reminders on 01.03.2026 and 02.04.2026. Yet no decision was taken before the appellant was compelled to invoke the writ jurisdiction on 30.04.2026. Indeed, the High Court itself ultimately found that the delay was substantial and that such delay was capable of prejudicing the larger

national interest.

24. The error in the impugned judgment lies in holding that the subsequent administrative order dated 19.06.2026 rendered the earlier delay inconsequential. In a time-sensitive matter, delay may itself defeat the very purpose for which administrative power is required to be exercised. A decision rendered after the relevant opportunity has substantially or wholly passed cannot invariably cure an earlier failure to act and the present case illustrates the point. Respondent No.3 was selected to officiate at the World Cup scheduled between 08.05.2026 and 10.05.2026. The Government Order rejecting permission came only on 19.06.2026, more than a month after that event had concluded. The failure to decide the request in time had, therefore, already produced an irreversible consequence.
25. There is yet another aspect of considerable importance. On 06.05.2026, the High Court had specifically directed respondent Nos.1 and 2 to accord provisional permission to respondent No.3. The order protected the interests of the employer by making the arrangement subject to the final outcome of the writ petition and at the risk and cost of respondent No.3. An order of a constitutional court, for so long as it remains operative, binds the parties to the proceeding. If the official respondents considered compliance impossible or contrary to the governing service rules, the course available to them was to seek clarification, modification or stay of the judicial direction before the competent court. An executive authority cannot, during the subsistence of a judicial direction, render that direction ineffective merely by taking an administrative decision inconsistent with

it.

26. We may clarify that this does not mean that the High Court, at the stage of final adjudication, was precluded from examining the legality of the Government Order dated 19.06.2026. The said order had been produced before the Court and was in fact examined and upheld by the Division Bench. What was impermissible was to treat its subsequent issuance as retrospectively answering the failure to comply with an operative judicial order or as obliterating the consequences of the earlier delay.
27. The Government Order dated 19.06.2026 suffers from another infirmity. The request before the authorities had two related but distinct facets: first, relieving respondent No.3 for the continuing coaching assignment with the Indian National Team and secondly, permission in relation to identified international sporting engagements. The Government Order principally proceeds as one concerning foreign travel, namely Hungary and Japan. It does not independently address the appellant's continuing request that respondent No.3 be made available for the National Coaching Programme.
28. Indeed, the Government Order itself reproduces the applicable instruction requiring requests of employees to be dealt with expeditiously and stating that permission should not be denied or delayed in genuine and justified cases. The authority was therefore required to consider not only the existence of a pending inquiry but also the nature of the assignment, its limited duration, its national character, the possibility of imposing appropriate safeguards, and the consequence which delay would have

upon the event itself.

29. We are equally unable to approve the approach whereby the existence of a pending inquiry was treated as an automatic and conclusive disqualification. The relevant instruction, as reproduced in the Government Order, confers discretion upon the authority. A relevant circumstance may legitimately influence the decision, however, it cannot be converted into an inflexible rule unless the governing statutory provision so mandates. But we may clarify, nothing stated by us should be understood as preventing the employer from proceeding against respondent No.3 in accordance with law in respect of any alleged misconduct, unauthorized absence, foreign travel or breach of the applicable service rules. Such proceedings have to be adjudicated independently upon their own merits. The present controversy is confined to the legality of the manner in which the request concerning the national sporting assignment was dealt with.
30. We also find merit in the grievance concerning certain observations made by the Division Bench on the validity of the original appointment of respondent No.3, her educational qualification and her general service conduct. The validity of her appointment as Physical Education Teacher was not the *lis* which arose for adjudication in WP(C) No.987 of 2026. Nor was the High Court exercising disciplinary jurisdiction over respondent No.3. A constitutional court may undoubtedly take note of relevant antecedents where they bear upon the legality of the administrative decision challenged before it. However, findings which may operate prejudicially in independent service or disciplinary proceedings ought not

to be returned on matters which are not directly in issue, particularly in the absence of a full adjudication upon those questions. Consequently, the observations in the impugned judgment relating to the validity of the original appointment of respondent No.3, her acquisition or non-acquisition of the B.P.Ed. qualification and observations characterising her service conduct shall not be treated as findings against respondent No.3 and shall not prejudice any independent proceeding which may be taken or continued in accordance with law.

31. We also do not consider it necessary to decide the plea of discrimination founded upon the relieving of another coach/Ms. Josna Yohannan. The record indicates that the circumstances of that appointment were not necessarily identical. The present appeal succeeds on the broader and independent grounds relating to failure of timely consideration, non-application of mind to the nature of the national assignment and the effect of the operative judicial direction dated 06.05.2026.
32. In our considered view, sports administration necessarily involves strict timelines. Selection, training camps, qualifying events and international competitions operate upon fixed schedules which cannot be postponed to await completion of ordinary administrative processes. This does not diminish the employer's authority over its employees but it merely requires that such authority be exercised with a degree of promptitude commensurate with the subject matter before it.
33. In the present case, the Asian Games assignment is imminent. A remand to the competent authority for a fresh consideration, though ordinarily

appropriate where an administrative decision is found defective, would in the peculiar circumstances amount to denial of effective relief, however, we cannot lose sight of the fact that the dispute has remained pending from February 2026 and that one international assignment has already been lost during the pendency of the proceedings.

CONCLUSION

34. For the aforesaid reasons, the appeal stands **allowed**. Consequently, the judgment and order dated 11.08.2026 passed by the High Court of Jammu & Kashmir and Ladakh at Srinagar in WP(C) No.987 of 2026 is set aside insofar as it dismisses the writ petition and denies relief to the appellant in respect of the current national sporting assignment of respondent No.3.
35. Government Order No.25-JK(YSS) of 2026 dated 19.06.2026, insofar as it operates to deny respondent No.3 permission/NOC and relieving for the national sporting assignments forming the subject matter of WP(C) No.987 of 2026, shall stand set aside. Respondent Nos.1 and 2 are directed to issue the necessary relieving order/No Objection Certificate/permission in favour of respondent No.3 – Ms. Bilquis Mir, forthwith and, in any event, on or before 15.09.2026 to enable her:
 - a. to join and discharge the remaining assignment as Coach/Chief Coach of the Indian National Kayaking and Canoeing Team; and
 - b. to accompany and assist the Indian National Team in connection with the Asian Games, 2026

36. The aforesaid permission shall remain operative for the period reasonably necessary for completion of the Asian Games 2026 assignment and connected official travel, subject to respondent No.3 reporting back to her parent Department immediately upon completion of the said assignment. The period during which respondent No.3 remains away from her ordinary place of posting pursuant to the present order shall not be treated as unauthorized absence.
37. We deem fit to clarify that the present order shall not be construed as:
- a) recognising any general or vested right in a Government employee to claim deputation, foreign travel or release for an outside assignment;
 - b) interfering with the power of the competent authority to institute, continue or conclude any departmental proceeding against respondent No.3 in accordance with law;
 - c) expressing any opinion upon the merits of any such disciplinary proceeding; or
 - d) granting respondent No.3 permission for any private foreign travel unconnected with the national sporting assignment covered by the present proceedings.
38. Since the appeal is being finally disposed of, we do not consider it necessary to revive either LPA No.173 of 2026 or CCP(S) No.215 of 2026. Their disposal/closure shall accordingly remain undisturbed.

39. We also see no reason to interfere with the direction contained in paragraph 24 of the impugned judgment insofar as the High Court has called upon the Government of India to evolve an appropriate and enforceable framework for dealing with requests concerning Government employees who are outstanding sportspersons, coaches or technical officials and whose services are sought by recognised National Sports Federations. That direction shall remain undisturbed.
40. As such, the appeal is accordingly allowed in the aforesaid terms. There shall be no order as to costs.
41. Pending application(s), if any, shall stand consigned to record.

.....J.
(ARAVIND KUMAR)

.....J.
(VIPUL M. PANCHOLI)

**NEW DELHI;
SEPTEMBER 10, 2026.**