

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 693/2023

IN THE MATTER OF:

NEWS ITEM TITLED "POLLUTION CONTROL BOARDS ARE THE WEAK LINKS" APPEARING IN DECCAN HERALD DATED 24.10.2023

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THROUGH COUNSEL



BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR THE STATE OF U.P.

EMAIL- bhanwar09jadon@gmail.com

DATE: 24.01.2025

PLACE: NOIDA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 693 of 2023

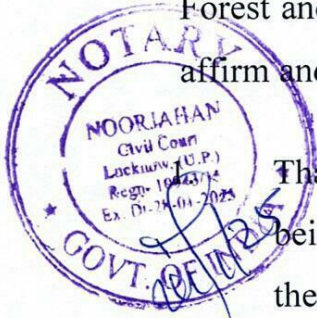


IN THE MATTER OF:

NEWS ITEM TITLED "POLLUTION CONTROL BOARDS ARE THE WEAR LINKS" APPEARING IN DECCAN HERALD DATED 24.10.2023

AFFIDAVIT ON BEHALF OF STATE OF UTTAR PRADESH IN COMPLIANCE TO THE ORDER DATED 11.09.2024 PASSED BY THE HON'BLE NATONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

I, Ravi Shankar Mishra, aged about 56 years S/o Shri Late Basdeo Mishra, presently posted as Joint Secretary, Department of Environment, Forest and Climate Change, State of Uttar Pradesh, do hereby solemnly affirm and state on oath as under:-



That the deponent is working on the abovementioned post and being authorized in the captioned matter and well conversant with the facts and circumstances of the case and as such I am competent to swear this affidavit.

2. That, this Hon'ble National Green Tribunal, (hereinafter Hon'ble Tribunal) vide its order dated 11.09.2024 in the present matter has observed as under:

"5. Though from that order it appears that the direction of Hon'ble the Supreme Court is to all the States to fill up the vacancies of PCBs/PCCs by 30.04.2025 but since Counsel for GNCTD has submitted that the said direction applies to the States falling within NCR, therefore, we hereby direct that the State/UT

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not covered by the order of the Hon'ble Supreme Court dated 27.08.2024 will also fill up the posts lying vacant in the SPCBs/PCCs latest by 30.04.2025. All the possible efforts will also be made within this period to provide adequate infrastructure in the laboratories of the PCBs/PCCs and to make them fully functional.

6. We also take note of the fact that in some of the States/UTs the adequate number of laboratories do not exist, therefore, expeditious steps will be taken to cure it.

7. Let the progress report indicating the compliance of this order be filed by all the States/UTs by way of an affidavit by providing an advance copy to the Counsel for the CPCB at least one week before the next date of hearing."

3. That before proceeding further, it is appropriate to mention here that a status report was filed on 01.04.2024 on behalf of the State of Uttar Pradesh before this Hon'ble Tribunal, wherein the details of the total sanctioned posts including vacancy in Uttar Pradesh Pollution Control Board (UPPCB).

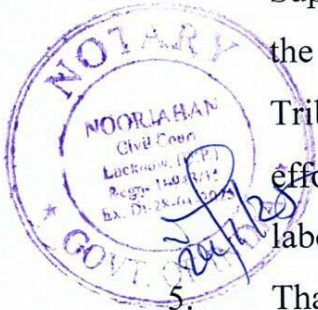
4. That further vide its order dated 11.09.2024 this Hon'ble Tribunal has direct the State/UT not covered by the order of the Hon'ble Supreme Court dated 27.08.2024 to fill up the posts lying vacant in the SPCBs/PCCs latest by 30.04.2025. Furthermore, this Hon'ble Tribunal has also directs the PCBs/PCCS to made all possible efforts within this period to provide adequate infrastructure in the laboratories of the PCBs/PCCs and to make them fully functional.

5. That an information regarding to the number of sanctioned and vacant post along with the reason for not filling up the vacant posts and the details of correspondence with Uttar Pradesh Subordinate Service Selection Commission (UPSSSC) to fill up the said vacant posts on a tabulated format is annexed herewith as **Annexure No.-**

1.

6. That it is pertinent to mention here that vide its letter dated 24.08.2024 and 30.10.2024 the UPSSSC has given its recommendation regarding 42 posts of Junior Engineer against 43

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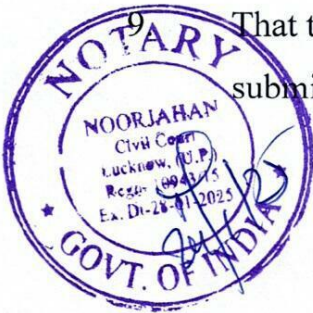


vacant posts. In pursuance to the above recommendation the UPPCB has issued an office order dated 10.09.2024 and 12.11.2024 regarding appointment of Junior Engineers against 42 posts.

It is also worthwhile to mention here that against the 42 vacant posts of Junior Engineer till date 27 vacant posts has been filled and they have taken charge on the said posts.

- 7. That in pursuance to the letter no.-PCP/NGT/693 of 2023/2023-24 dated 23.04.2024 Sent by the CPCB an information regarding the infrastructure of the laboratories under Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 is being annexed herewith as Annexure No.-2 on the tabulated format.
- 8. That an information of budget available with the UPPCB and its sources and expenditure for the financial years i.e. 2022-2023 and 2023-2024 (in Lakhs) in tabulated format is annexed herewith as Annexure No.-3.

That the present affidavit on behalf of the State of Uttar Pradesh is submitted for kind perusal and consideration.



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Deponent

VERIFICATION

Sworn and Verified before me.

Verified at Lucknow on this the 24 day of January, 2025 that the contents of above affidavit are true and correct to my knowledge based on records and information received and believed to be true, no part of it is false and nothing material has been concealed therefrom.

24/1/25

NOOR JAHAN
Advocate & Notary
Civil Court, Lucknow
Registration No. 10943/15

ndh

Deponent

I know & identify the deponent / Executor who has signed / put his T.I. before me

S. J. IQBAL Advocate
Reg No 6043/1998
Adv. 2250

Correspondence summary by UPPCB with UPSSSC

S. No	Post	Requisite No of Posts	Letter No. and Date	अद्यतन स्थिति	UPSSSC में वर्तमान में प्रक्रियाधीन अधियाचित पदों की संख्या
1.	Junior Engineer	43	G-28295/A.S.Camp-27/2018 dated 12.09.2018 (Exam Held and Result Declared)	उ0प्र0 अधीनस्थ सेवा चयन आयोग, लखनऊ के पत्र दि0 24.08.2024 एवं 30.10.2024 के माध्यम से बोर्ड द्वारा अधियाचित अवर अभियन्ता के 43 पदों के सापेक्ष कुल 42 अभ्यर्थियों के अवर अभियन्ता के पदों पर चयन हेतु संस्तुति प्रेषित की गई, जिसके परिप्रेक्ष्य में बोर्ड द्वारा अवर अभियन्ता के 42 पदों पर नियुक्ति संबंधी कार्यालय-आदेश दि0 10.09.2024 एवं 12.11.2024 निम्न किये गए। उक्त नियुक्ति आदेशों के अनुपालन में अभी तक 27 नव नियुक्त अवर अभियन्ताओं द्वारा बोर्ड में कार्यभार ग्रहण कर लिया गया है।	--
		09	Special Requisition sent through e-requisition portal in February, 2024	माह-अक्टूबर, 2024 में ई-अधियाचन पोर्टल द्वारा प्राप्त Query का बोर्ड द्वारा उत्तर प्रेषित किया गया।	09
		10	General requisition sent through e-requisition portal in February, 2024	माह-अक्टूबर, 2024 में ई-अधियाचन पोर्टल द्वारा प्राप्त Query का बोर्ड द्वारा उत्तर प्रेषित किया गया।	10
2.	Accountant /Auditor	21	Requisition to be sent through e-requisition portal in December, 2023.	माह-अक्टूबर, 2024 में ई-अधियाचन पोर्टल द्वारा प्राप्त Query का बोर्ड द्वारा उत्तर प्रेषित किया गया।	21
3.	Monitoring Assistant	26	No.-G-40484/ASCamp-27(B)/2023 dated 10.04.2023	--	26
4.	Junior Assistant	21	No.-G-40479/ASCamp-27(B)/2023 dated 10.04.2023 which has been reverting back by the commission on 06.12.2023.	बोर्ड द्वारा दिनांक-24.07.2024 को कनिष्ठ सहायक के सीधी भर्ती के 24 रिक्त पदों पर सामान्य चयन हेतु ई-अधियाचन (संख्या-UP005D02572024070001) उ0प्र0 अधीनस्थ सेवा चयन आयोग, लखनऊ को प्रेषित किया गया था, जिस पर दिनांक-31.07.2024 को आयोग द्वारा Query/Objection लगाकर मूल रूप में वापस कर दिया गया। आयोग की उक्त Query/Objection के परिप्रेक्ष्य में बोर्ड में लिपिक संवर्ग के आदेशों के राजकीय कार्यालयों हेतु उ0प्र0 सरकार के विभाग लिपिकीय संवर्ग सेवा नियमावली	--

[Handwritten Signature]

				2014 के अनुरूप निर्धारित किये जाने संबंधी बोर्ड द्वारा अनुमोदित प्रस्ताव बोर्ड के पत्र दिनांक-30.09.2024 के माध्यम से पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-6, उ0प्र0 शासन को शासकीय स्वीकृति हेतु प्रेषित किया गया है, जिसमें समय लगने की सम्भावना के दृष्टिगत उक्त अधियाचन को बोर्ड के पत्र दिनांक-09.12.2024 के माध्यम से पोर्टल से विलोपित(डिलीट) करने हेतु निदेशक आई0टी0, एन0आई0सी0 से अनुरोध किया गया। उक्त अधियाचन पोर्टल से विलोपित (डिलीट) किया जा चुका है।	
5.	Legal Assistant	05	The requisition will be sent through e-requisition portal in November, 2023 which has been reverting back by the Commission with certain queries.	माह-नवम्बर, 2024 में ई-अधियाचन पोर्टल द्वारा प्राप्त Query का बोर्ड द्वारा उत्तर प्रेषित किया गया।	05
6.	Librarian	01	The requisition will be sent through e-requisition portal in November, 2023 and again on February, 2024 which has been reverting back by the Commission with certain queries in April, 2024.	माह-सितम्बर, 2024 में ई-अधियाचन पोर्टल द्वारा प्राप्त Query का बोर्ड द्वारा उत्तर प्रेषित किया गया।	01
7.	Computer Operator Grade-B	03	No.-G-40764/ASCamp-27(B)/2023 dated 22.05.2023 and again on February, 2024 which has been reverting back by the commission with certain queries in May, 2024.	बोर्ड द्वारा दिनांक-07.02.2024 को कम्प्यूटर ऑपरेटर ग्रेड-बी के 03 रिक्त पदों पर सामान्य चयन हेतु ई-अधियाचन(संख्या-UP005D02572024010001) उ0प्र0 अधीनस्थ सेवा चयन आयोग, लखनऊ को प्रेषित किया गया था, जिस पर दिनांक-26.03.2024 को आयोग द्वारा Query/Objection लगाकर मूल रूप में वापस कर दिया गया था। बोर्ड द्वारा उक्त Query/Objection का उत्तर दिनांक-26.04.2024 को पोर्टल के माध्यम से आयोग को प्रेषित किया गया। तत्क्रम में आयोग द्वारा दिनांक-01.05.2024 को पुनः यह क्वेरी प्रेषित की गई कि "बोर्ड में सीधी भर्ती के पदों हेतु आयु सीमा में संशोधन करते हुये यह उल्लिखित किया गया है कि उत्तर प्रदेश प्रदूषण नियंत्रण परिषद् सेवा विनियमावली, 1995 में यथासमय संशोधन किया जायेगा। उक्त के संबंध प्रस्तावित संशोधन अभी अपेक्षित हैं। अतः उक्त प्रस्तावित संशोधन के पश्चात् ही	

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				शासन द्वारा अनुमोदित नियमावली के प्राविधानानुसार अधियाचन प्रेषित किया जाना अपेक्षित है। बोर्ड की प्रख्यापित सेवा विनियमावली, 1995 में संशोधन संबंधी कार्यवाही में समय लगने की सम्भावना के दृष्टिगत उक्त अधियाचन को बोर्ड के पत्र दिनांक-09.12.2024 के माध्यम से पोर्टल से विलोपित (डिलीट) करने हेतु निदेशक आई0टी0, एन0आई0सी0 से अनुरोध किया गया। उक्त अधियाचन पोर्टल से विलोपित (डिलीट) किया जा चुका है।	
8.	Computer Operator Grade-A	05	No.-G-40763/ASCamp-27(B)/2023 dated 22.05.2023 and again on February, 2024 which has been reverting back by the commission with certain queries in April, 2024.	माह-सितम्बर, 2024 में ई-अधियाचन पोर्टल द्वारा प्राप्त Query का बोर्ड द्वारा उत्तर प्रेषित किया गया।	05
9.	Lab Assistant	01	Sent through e-procurement portal in the month of September, 2023. Further, the said letter has been reverting back to UPPCB with certain queries. Regarding the queries the UPPCB has sent the reply which is also been revert back with further queries.	माह-सितम्बर, 2024 में ई-अधियाचन पोर्टल द्वारा प्राप्त Query का बोर्ड द्वारा उत्तर प्रेषित किया गया।	01
	Total	145			78

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बोर्ड अधिष्ठान में समूह-“ख” के सीधी भर्ती के समस्त पदों को उ0प्र0 लोक सेवा आयोग, प्रयागराज के माध्यम भरे जाने के सम्बन्ध में मा0 लोक सेवा आयोग, प्रयागराज द्वारा की गयी अपेक्षा के अनुरूप बोर्ड की प्रख्यापित “उ0प्र0 प्रदूषण नियंत्रण परिषद सेवा विनियमावली, 1995” में यथावश्यक संशोधन संबंधी कार्यवाही शासन में प्रकियाधीन है।

बोर्ड की सेवा विनियमावली में यथावश्यक संशोधन के पश्चात् समूह-“ख” एवं समूह-“ग” के सीधी भर्ती के रिक्त पदों पर चयन संबंधी अग्रिम कार्यवाही की जायेगी।

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उ०प्र० प्रदूषण नियंत्रण बोर्ड में सीधी भर्ती के रिक्त पदों का विवरण
(दिनांक 01.01.2025 की स्थिति के अनुसार)

क्र०सं०	पदनाम	रिक्त पदों की संख्या
समूह—'ख'		
1.	सहा०पर्या०अभियन्ता	27
2.	सहा०वैज्ञा०अधिकारी	15
योग:—		42
समूह—'ग'		
1.	अवर अभियन्ता	38
2.	विधि सहायक	05
3.	वैज्ञानिक सहायक	14
4.	लेखाकार/लेखा परीक्षक	23
5.	आशुलिपिक	29
6.	कम्प्यूटर आपरेटर, बी	03
7.	कम्प्यूटर आपरेटर, ए	05
8.	रिसेप्शनिस्ट/स्वागती	01
9.	कनिष्ठ सहायक	29
10.	पुस्तकालयाध्यक्ष	01
11.	प्रयोगशाला सहायक	02
12.	अनुश्रवण सहायक	31
13.	इलेक्ट्रिशियन	01
योग:—		182
समूह—'घ'		
1.	चपरासी	80
योग:—		
महायोग:—		304

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Annexure-2

केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा प्रेषित पत्र सं०-PCP/NGT/693 of 2023/2023-24 Dated 23-04-2024 के माध्यम से
 मा० हरित अधिकरण, नई दिल्ली में योजित "Suo Moto Matter OA 693/2023" Pollution Control Boards are
 the weak link" के संदर्भ में उपरो प्रदूषण नियंत्रण बोर्ड का प्रति उत्तर

S.No	State Pollution Control Boards	Notification of laboratories under Section-17(2) and Section-52 of the Water (Prevention and Control of Pollution) Act, 1974 and Section-28 of the Air (Prevention and Control of Pollution) Act, 1981	Status of obtaining recognition as Environment Lab under EPA	Strengthening of laboratories for monitoring prescribed parameters notified in Schedule I of EP Rules and specified while granting CTOs	Creation of necessary infrastructure in the laboratories etc. and for setting up the laboratories where they don't exist
27	Uttar Pradesh	<ul style="list-style-type: none"> The State Government has notified one (01) Laboratory each under Section-52 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section-28 of the Air (Prevention and Control of Pollution) Act, 1981. The Board has 36 laboratories as 'Water Testing Laboratory' under Section 17(2) of The Water (Prevention and Control of Pollution) Act, 1974 The Board has 32 laboratories as 'Air Testing Laboratory' under Section 17(2) of The Air (Prevention and Control of Pollution) Act, 1981. 	<ul style="list-style-type: none"> The U P Pollution Control Board has its Central Laboratory at Head Office, Lucknow. The central Laboratory has been recognized by the Central Pollution Control Board vide letter no. LB/99/7/2021- INST LAB-HO-CPCB-HO/Pvt./6812 dated 05.12.2024 under the Environment (Protection) Act, 1986. 	<ul style="list-style-type: none"> UPPCB has total 23 laboratories, out of these 18 Laboratories are Accredited from NABL, and having adequate infrastructure/ facility for monitoring and analysis of most of the prescribed environmental Parameters. 	<ul style="list-style-type: none"> Presently, the laboratories of UPPCB are equipped with facility for monitoring and analysis of most of the mandatory parameters. These laboratories are under process for further up-gradation to be able to monitor micro-pollutants/other parameters with the financial support under NWMP, NAMP, Abatement of Pollution and Namami Gange Scheme of Government of India.

26/04/25
 Inck. Lab

26/04/25

P. K. Mishra
 S.A.
 (P. K. Mishra)
 S.A.

(Sameendera Singh)
 A.S.O.

Annexure-3

U.P. POLLUTION CONTROL BOARD, LUCKNOW

No.	Source of Income	FY 2022-23 in Rs.		FY 2023-24 in Rs.	
		Income	Expenditure	Income	Expenditure
1	Consent Fee	63,49,40,796.00		94,20,84,017.00	
2	Authorization Fee		97,43,72,571.00		94,02,50,270.00
3	Lab analysis charges	4,30,000.00		31,40,586.00	
4	Bank interest earned	4,23,84,262.00		5,91,85,755.00	
5	Environmental Compensation fund of SPCE/PCC	17,37,45,502.75	5,69,006.00	30,34,44,106.35	3,44,12,752.00
6	Environmental Compensation fund of CPCB	-	-	-	-
7	Assistance from State Govt.	-	-	-	-
8	Assistance from State Central Govt. under Central Sector Schemes	-	-	-	-
9	Other Sources, if any	59,12,08,738.00	-	1,26,80,57,736.00	-
	Total	1,44,27,09,298.75	97,49,41,577.00	2,57,59,12,200.35	97,46,63,022.00

(Tej Bahadur Singh)
Account Officer

(धरमेश कुमार मिश्रा)
प्रभारी-लेखा

S.No.	Source of Income	FY 2020-21 in Rs.		FY 2021-22 in Rs.	
		Income	Expenditure	Income	Expenditure
1	Consent Fee			63,96,73,839.00	
2	Authorization Fee	69,76,99,355.32			1,20,12,16,788.59
3	Lab analysis charges		1,11,85,43,589.32		
4	Bank interest earned	3,14,76,770.00		17,00,660.81	
5	Environmental Compensation fund of SPCB/PCC	15,13,49,402.67		23,10,19,793.33	3,04,61,156.00
6	Environmental Compensation fund of CPCB				
7	Assistance from State Govt.				
8	Assistance from State Central Govt. under Central Sector Schemes				
9	Other Sources, if any	38,69,24,461.00		51,79,02,898.00	
	Total	1,26,74,49,988.99	1,11,85,43,589.32	1,43,26,81,453.14	1,23,16,77,944.59

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