

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
EXECUTION APPLICATION NO. 12 OF 2019
IN
ORIGINAL APPLICATION NO. 215 OF 2014**

IN THE MATTER OF:

Aditya. N. Prasad & Ors.

....Applicants

Versus

Union of India & Ors.

....Respondents

INDEX

S No.	Particulars	Page No.
1.	Objections to compliance report dated 08.12.2020 filed by the PPCF, Delhi.	1-12

Place: Delhi
Date: 13.12.2020

FILED BY:



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**OBJECTIONS TO COMPLIANCE REPORT DATED
08.12.2020 FILED BY THE PCCF, DELHI.**

MOST RESPECTFULLY SHOWETH:

1. That the aforesaid Execution Application is pending adjudication before this Hon'ble Tribunal and is fixed for hearing on 15.12.2020.
2. That this Hon'ble Tribunal vide its order dated 17.07.2019 had directed the following: -
 - "4. Applicant in person, however, states that increase is not adequate having regard to the forest area to be monitored.*
 - 5. We will consider this objection of the applicant but we direct that the sanctioned posts may be filled up at the earliest and order sanctioning further**

infrastructure also be made operative before the next date.

6. The Chief Secretary may file a compliance report and also get analysis of the available staff and the staff required for executing the functions to meet environmental challenges to be faced by the Forest Department.” (emphasis supplied)

3. That in terms of the above directions a Compliance Report (“CR”) dated 14.11.2019 came to be filed by the Chief Secretary, Delhi and objections to the same were filed by the Applicant containing a comparison of the said Compliance Report with the averments made in the previous Compliance Report dated 12.07.2019 which is placed at page 205 of the paperbook.

4. That this Hon’ble Tribunal after considering the above submissions vide its order dated 19.11.2019 directed:

“Let further necessary steps be completed within four months but latest by 31.03.2020 and a compliance report filed before the next date by e-mail at judicial-ngt@gov.in.” (emphasis supplied)

5. That in terms of the above directions another Compliance Report dated 17.06.2020 came to be filed by the PCCF, Delhi and objections to the same were filed by the Applicant

containing a comparison of the said Compliance Report with the averments made in the previous Compliance Report dated 14.11.2019.

6. That this Hon'ble Tribunal after considering the above submissions vide its order dated 02.07.2020 directed:

“3. Accordingly, a further report has been filed by the PCCF, Delhi on 17.06.2020 mentioning that while certain steps have been taken, further steps have been delayed on account of lockdown. The applicant has filed objections to the said compliance report.

4. Without going into rival contentions whether delay is justified, let a further action taken report be filed before the next date by the PCCF, Delhi by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

7. That in terms of the above directions another Compliance Report dated 08.12.2020 came to be filed by the PCCF, Delhi and objections to the same are being filed by the Applicant by way of the present Affidavit containing a comparison of the said Compliance Report with the averments made in the previous Compliance Reports dated 17.06.2020 and 14.11.2019.

8. That a comparison of the latest Compliance Report (CR) dated 08.12.2020 with the averments made in the Compliance Reports dated 14.11.2019, and 17.06.2020 reveals certain aspects where little or no progress has been made :

a) Post of Assistant Conservator of Forests – 04 Posts

Date of CR	
14.11.2019	Applications invited for 04 posts on Deputation basis.
17.06.2020	These 04 posts become only 01 post and one candidate found eligible by selection committee.
08.12.2020	These posts again become 04 and 01 person is appointed and 03 posts re-advertised.

It is to be noted here that the Department has been unable to fill these posts due to the following reasons:

1. No State Forest Service (SFS) in Delhi.
2. No feeder cadre i.e. no promotion policy.
3. Non fulfilment even through Deputation as the Grade Pay offered in Delhi is the same or less than what is being paid in other states. Furthermore, there is no promotion policy. Thus, there is no attraction for officers to leave their home/parent cadres and come on deputation to Delhi. The Pay Band + Grade Pay in Delhi

being Rs. 9300-34800 + Rs.4600/- in comparison with some other states:

S. No.	State	Pay Band + Grade Pay
1.	Haryana	Rs.9300-34800 + Rs.4600
2.	Himachal Pradesh	Rs.15600-39100 + Rs. 5400
3.	Rajasthan	Rs.15600-39100 + Rs. 5400
4.	Uttar Pradesh	Rs.15600-39100 + Rs. 5400
5.	Madhya Pradesh	Rs.15600-39100 + Rs. 5400
6.	UT of Jammu & Kashmir	Rs.9300-34800 + Rs. 4800

b) Wildlife Inspector - 03 Posts

Date of CR	
14.11.2019	Delhi Subordinate Services Board has notified the exam date. (these are posts advertised in 2012 and 2014)
17.06.2020	No mention.
08.12.2020	Candidates shortlisted for Tier – II Examination by DSSB.

c) Deputy Forest Ranger – 07 Posts

Date of CR	
14.11.2019	04 officials in the feeder cadre promoted. 03 retired officials engaged on “Contract” basis.
17.06.2020	These posts become 06 and are stated to be filled up.
08.12.2020	Filled up.

The Applicant is unable to understand as to how a frontline post empowered under the Indian Forest Act, 1927 can be filled up on **“Contract”** basis.

d) Veterinary doctor – 01 and Compounder – 02

Date of CR	
14.11.2019	Work under process for framing Recruitment rules.
17.06.2020	No mention of Recruitment Rules. Process initiated to en-cadre these posts with Development Dept. GNCTD.
08.12.2020	Same As Above

e) Legal Advisor –cum-Consultant – 01 Post

Date of CR	
14.11.2019	Work under process for framing Recruitment rules.
17.06.2020	No mention of Recruitment Rules. Process initiated to en-cadre post with Law Dept. GNCTD.
08.12.2020	Work under process for framing Recruitment rules.

f) Forester

Date of CR	
14.11.2019	Work under process for framing of Recruitment Rules.
17.06.2020	Same As Above.
08.12.2020	Same As Above.

g) Ministerial Staff

Date of CR	
14.11.2019	Services Dept., GNCTD requested to fill up all vacancies on priority.
17.06.2020	No mention.
08.12.2020	No mention.

h) Additional Space for Department Headquarters (HQ)

Date of CR	
14.11.2019	Infrastructure requirement analysed.
17.06.2020	Public Works Department Requested for Office Space.
08.12.2020	Same As Above. Additionally, Delhi Development Authority requested for allotment of land for Permanent building for the Headquarters.

It is pertinent to bring to the attention of this Hon'ble Tribunal that the Department has written 05 letters to the Public Works Department, GNCTD on 16.11.2017, 18.10.2019, 08.11.2019, 30.01.2020 and 03.08.2020 apprising it of the directions of this Tribunal and requesting for additional office space for the Headquarters, but to no avail. The Applicant prays to reserve the right to initiate proceedings under the Contempt of Courts Act, 1971 against officials for disregarding the directions of this Hon'ble Tribunal.

i) Night Vision Goggles

Date of CR	
14.11.2019	Bidding Successfully completed on Government e-marketplace.

17.06.2020	Work order issued on 19.03.2020, delivery delayed due to lockdown.
08.12.2020	File is under process of Finance Department.

The Applicant is unable to understand that when work order had been issued on 19.03.2020, then why is the file now under process in the Finance Department.

j) Establishment of Wireless Network

Date of CR	
14.11.2019	No Mention.
17.06.2019	No mention.
08.12.2020	Pending approval of budget due to restriction imposed on account of COVID-19.

k) Requirement of Additional Staff

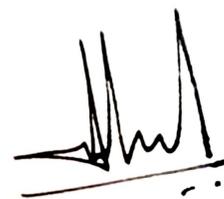
Date of CR	
14.11.2019	Analysis completed and further requirement of 170 staff has been submitted to the Administrative Reforms department, GNCTD.
17.06.2019	No mention.
08.12.2020	No mention.

9. A bare perusal of the above comparative table would show that the current compliance report dated 18.11.2020 shows slow progress in complying with the Judgement under Execution and the further directions given by this Hon'ble Tribunal. The report is also silent on the aspect of details of training plan, and deployment of staff & equipment in the field etc. The current report also gives no reasons for the delay in complying with the directions contained in the order dated 19.11.2019, apart from stating COVID-19 as the reason.
10. It is trite to mention that as per direction of this Tribunal dated 19.11.2019 the Respondents were directed to complete all processes by 31.03.2020, whereas the lockdown due to COVID-19 was imposed only on 24.03.2020. It appears to be the case of the Respondent that all processes would have been completed in six days time had the lockdown not been imposed.
11. The Applicant reiterates the submissions made in the objections against the Compliance Reports dated 14.11.2019 and 17.06.2020.
12. It is prayed that the Public Works Department, GNCTD be directed to immediately provide the Forest Department with additional office space which is pending since many years. It is further submitted that the Delhi Development

Authority be also directed to allot land to construct an integrated Headquarters/ *Van Bhawan* so as to bring the Department at par with other states as recommended in the Report of the National Forest Commission, 2006. It is prayed that this Hon'ble Tribunal direct both the PWD and DDA to provide the requisite infrastructural support to the Forest Department at the earliest.

13. It is submitted that whatever progress has been made to comply with the judgement dated 10.12.2015, it is only due to the Present Execution proceedings and continued monitoring by the Hon'ble Tribunal. Thus, it is in the interest of protection of the environment and in the interest of justice that further directions be given to ensure timely compliance of the Judgement under Execution.

New Delhi
13.12.2020



Aditya N Prasad

APPLICANT

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AFFIDAVIT

I, Aditya N Prasad, Adv. (D/2753/2013), aged 32 years, having office at Chamber no. 505, Patiala House Courts, New Delhi – 110001, do hereby solemnly declare and state as under:-

1. That I am the Applicant in the above mentioned matter and am therefore competent to swear the present Affidavit in support accompanying objections.

2. That I am fully aware of the facts and circumstances of the present case and I am, therefore, also competent to swear the present Affidavit.

3. That I have read and fully understood the contents of the accompanying objections to status report and the same may be read as part of this Affidavit and state that the same are true and correct to the best of my knowledge and belief.

DEPONENT

12 DEC 2020

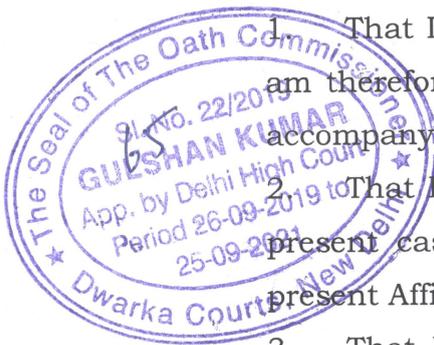
VERIFICATION:

Verified at New Delhi on this the _____ day of December 2020 that the contents of the above Affidavit are true and correct to the best of my knowledge and belief and that nothing false has been stated therein or material concealed there from.

CERTIFIED THAT THE DEPONENT
Sr. Smt./Km.....
Sto, W/o, D/o.....
R/o.....
Identified by Shri/Smt.....
has solemnly affirmed before me at
New Delhi on.....
that the contents of the affidavit which have
been read & explained to him are true and
correct to his knowledge.

DEPONENT

**Oath Commissioner
New Delhi**



Handwritten signature and text: D/2752/13 Self.

Handwritten text: I identify the deponent who has signed in my presence.