

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

O.A. No.693/2023

In the matter of:

News Item appearing in Deccan Herald dated 24.10.2023 titled "Pollution Control Boards are the weak link".

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Respondent HPSPCB

Place: Shimla

Dated:- 01-01-2025

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

O.A. No.693/2023

In the matter of:

News Item appearing in Deccan Herald dated 24.10.2023 titled
"Pollution Control Boards are the weak link".

**COMPLIANCE AFFIDAVIT ON BEHALF OF H.P.
STATE POLLUTION CONTROL BOARD IN
COMPLIANCE TO ORDER DATED 11-09-2024
PASSED BY HON'BLE NGT IN THIS MATTER.**

May it Please Your lordships:-

I, Anil Joshi, S/o Sh. Ram Dutt aged about 59 years, at present working as Member Secretary, H.P. State Pollution Control Board at Shimla, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under:-

1. That the afore-mentioned case is pending adjudication before this Hon'ble Tribunal and was listed on 11-09-2024 wherein Hon'ble Tribunal passed the following directions :-

“.....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

ATTESTED
Oath Commissioner



Member Secretary,
HP State Pollution Control
Shimla

GNCTD has submitted that the said direction applies to the States falling within NCR, therefore, we hereby direct that the State/UT 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.

8. List on 09.01.2025.....”.

2. That in compliance to afore-cited order it is submitted that HP State Pollution Control Board have total sanction posts of 375 and as of today total 223 posts have been filled up by the State Board and 152 posts are lying vacant. As already submitted to this Hon'ble Tribunal, the State Board has already sent the requisition to the HP Rajya Chayan Aayog Hamirpur and HP Ex-Service man Cell for the recruitment of 63 posts of class-III. In pursuance to order dated 11-9-2024 the State Board again requested the HP Rajya Chayan Aayog Hamirpur vide

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Oath Commission


Member Secretary,
HP State Pollution Control
Shimla

letter dated 29-11-2024 (**Annexure R/A**) to complete the recruitment process as soon as possible. As per response received from HP Rajya Chayan Aayog Hamirpur (annexed as **Annexure R/B**) that they are not accepting any requisition form right now for recruitment, therefore, State Board has taken up the matter with the Sate Govt. vide letter dated 20.12.2024 for recruitment of posts through HP Public Service Commission as a special case (Copy annexed as **Annexure-R/C**). The State Board has also requested the HP Ex-Service man Cell vide letter dated 29-11-2024 (**Annexure R/D**) to complete the recruitment process at the earliest.

3. That the State Board had sent the requisition of 24 nos of Group A&B posts to the recruitment agency i.e. HP Public Service Commission and as per recommendation of Commission 11 nos of posts of Junior Scientific Officers have been filled up by the State Board. Earlier the recruitment of 8 numbers of posts of AEEs were earlier held up due to stay order of Hon'ble High Court in CWP No. 9524/2023. The State Board has again requested the HP Public Service Commission vide letter dated 19.12.2024 to complete the recruitment process at the earliest (**Annexure R/E**).
4. That 5 number of posts of Senior Scientific Officers were to be filled up by promotion, however, the same could not be filled up due to interim stay order passed by Hon'ble High court of HP in CWP No. 2266/2019. In pursuance to

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Oath Commissioner



Member Secretary,
HP State Pollution Control
Shimla

directions dated 11-09-2024 passed by Hon'ble Tribunal the State Board had filed an application for vacation of stay, copy of which is annexed as **Annexure R/F**. The said application is still pending for adjudication further listed for March 2025. A copy of order dated 31-12-2024 is annexed as **Annexure R/G**.

5. That regarding issue of laboratories it is submitted that at present, the H.P. State Pollution Control Board has one Central Laboratory at Parwanoo and 05 Regional Laboratories (total-6) at Shimla, Paonta, Dharamshala, Una, Parwanoo and Sundernagar in the State, out of which three laboratories at Shimla, Sundernagar and Paonta are accredited from NABL (National Accreditation Board for Testing and Calibration Laboratories). Other laboratories are also in the process of attaining NABL accreditation. It is submitted that all the State Board's laboratories have the adequate infrastructure/facilities for the analysis of industry-specific parameters and the State Board is in process of further upgradation of labs for the development of facilities for left out parameters in Schedule-I of EP Rules.
6. That the State Board vide letter dated 4-7-2024 and 21-12-2024 has requested the State Govt for notifying the State Air and Water Laboratories under section 52 of Water Act, 1974 and section 28 of Air Act 1981. Copies of correspondence annexed as **Annexure R/H**.

ATTESTED
Oath Commissioner


Member Secretary,
HP State Pollution Control
Shimla

7. It is humbly submitted that the aforementioned progress report may kindly be taken on record and directions as deemed fit may kindly passed in public interest please.

I, the above named deponent, do hereby solemnly affirm that the submission made above are true and correct to the best of my knowledge, information provided to me and I believe the same to be true.

AKB
Identified by

ATTESTED
e
Oath Commissioner

Verified at Shimla on 1st day of January, 2025.

AKB
DEPONENT

Member Secretary,
HP State Pollution Control
Shimla

Certified that the above affidavit was declared before me on solemn affirmation on 1-1-2025 day of 2025 at Shimla Shimla in the Dist. of Shimla by Sh. Arul Jeshi who is identified by Sh. Secretary to Home Dept who is personally known to me & the contents of the above affidavit has been read over and explained to the deponent in vernacular who admit them to be correct at the time of making thereof.

AKB 1-1-2025
Note - All the cutting & adding have been attested by me

AKB 1-1-2025
Advocate
Oath Commissioner Shimla



Himachal Pradesh State Pollution Control Board
"Him Parivesh", Phase-III, New Shimla -171009
Phone No. 0177-2673766, 2673032



No. PCB/666/Estt./Recruitment of JOA(IT)/2017-¹⁴⁰⁰¹⁻⁰² Dated: 29/11/24

To

The Secretary
Himachal Pradesh Rajya Chayan Aayog,
Hamirpur, H.P.-177001.

Sub: Requisition for recruitment of various categories of posts (Class- III) in
H.P. State Pollution Control Board.

Sir,

Please refer to the subject cited as above.

In this context, it is submitted that requisition for filling up of vacant post of various Class-III categories existing in HP State Pollution Control Board as detailed below was sent to the erstwhile H.P. Staff Selection Commission, Hamirpur:-

Table- I

Sr. No.	Name of Post for which requisition sent	No. of Posts	Letter No. and date vide which requisition sent
1	Junior Scientific Assistant	08	No. PCB/680/Estt./ Recruitment of JSA/2018-6674 dated 17.08.2022
2	Junior Environmental Engineer	14	No. PCB/681/Estt./ Recruitment of JEE/2018-6721 dated 17.08.2022
3	Database Analyst	02	No. PCB/795/Estt./ Recruitment of DBA/2022-6675 dated 17.08.2022
4	Junior Accountant	07	No. PCB/662/Estt./ Recruitment of Jr. Accountant/ 2017- 6677 dated 17.08.2022
5	Data Entry Operator	03	No. PCB/664/Estt./ Recruitment of DEO/2017-6676 dated 17.08.2022
6	Junior Office Assistant (IT)	19	Letter No. PCB/666/Estt./ Recruitment of Jr. Office Assistant/2017-6722 dated 17.08.2022
Total		53	

It is submitted that that the functioning of the H.P. Staff Selection Commission was suspended by the Govt. of H.P., Department of Personnel (Appointment-II), vide Order No. PER(AP-B)-A(1)-1/2022 dated 26th

December, 2022 with immediate effect.

The Government of Himachal Pradesh, Department of Personnel (Appointment-II), vide letter No. PER(AP-B)-A(1)-1/2022 dated 29th March, 2023 further decided that the H.P. Public Service Commission would conduct the examinations for various Class-III posts of all the pending requisitions received by the erstwhile H.P. Staff Selection Commission, Hamirpur as per its own Rules of Business. It was further decided that pending requisitions at the erstwhile HPSSC, for Class- III posts/ service be sent to HPPSC online.

The Government of Himachal Pradesh, Department of Personnel (Appointment-II) vide Notification No. Per (AP-B) A (1)-1/ 2023 dated 30.09.2023 established the Himachal Pradesh Rajya Chayan Aayog (HPRCA) to make recommendation for initial appointment to Group-C services/ posts except certain cases as detailed in the ibid notification.

Further, in view of Government of Himachal Pradesh, Department of Personnel (Appointment-II) Notification No. Per (AP-B) A (3)-1 / 2024 dated 16.07.2024, the posts as detailed in Table- I are to be filled up through. H.P. Rajya Chayan Aayog.

It is also apprised that the Hon'ble National Green Tribunal vide orders dated 11.09.2024 in Original Application No. 693 / 2023 has directed to fill up the posts lying vacant latest by 30.04.2025 (**Copy attached**).

In view of above, it is requested that the recruitment process to fill up the posts as detailed in Table- I ibid in the Board may be completed at the earliest please. Copies of above letters alongwith requisition Form (HPSSC-I), approval of Service Committee for filling up the vacant posts and Recruitment and Promotion Rules of the post (s) are also enclosed herewith for information and further action please.

Yours faithfully,
Signed by

Anil Joshi

Date: 28-11-2024 15:50:29
(Anil Joshi, IFS)

Member Secretary

Encl: As above.

Endst. No./ As above/-

Copy forwarded to the Chief Secretary, (Deptt. of Env. ST & CC) to the Govt. of H.P. w.r.t. Letter No. STE-F (10) 2 /2016 dated 15.11.2023 for information please.

14001-02
H.P. State Pollution Control Board, Shimla
Dated 29/11/24

Sd/-

(Anil Joshi, IFS)

Member Secretary

H.P. State Pollution Control Board, Shimla

Fwd: Requisition for recruitment of various categories of posts (Class-III) in H.P. State Pollution Control Board.

Finance Division <pcbfinanceofficer@gmail.com>
To: achppcb@gmail.com

Wed, Dec 4, 2024 at 4:00 PM

----- Forwarded message -----

From: HPRCA <hp-rca@hp.gov.in>

Date: Wed, Dec 4, 2024 at 3:46 PM

Subject: Requisition for recruitment of various categories of posts (Class-III) in H.P. State Pollution Control Board.

To: <pcbfinanceofficer@gmail.com>

Sir,

It is in reference to your office letter No. PCB/666/Estt./Recruitment of JOA(IT)2017-14001-02 dated 03.12.2024 on the subject cited above and to say that the HPRCA is not accepting any requisition form right now from any Department/Org./PSU/Board/Corporation etc. as the HPRCA is planning to introduce a single window system through its official website in near future for sending/accepting requisitions. The work is under process & will be completed in due course of time.

With Regards,
Secretary,
HP Rajya Chayan Aayog,
Hamirpur, Himachal Pradesh

On file

68

05/12/24

Supdt

me
05/12/24
CLC-D



Himachal Pradesh State Pollution Control Board
 "Him Parivesh", Phase-III, New Shimla -171009
 Phone No. 0177-2673766, 2673032



No. PCB/666/Estt./Recruitment of JOA(IT)/2017-

Dated: 20-12-24

To

The Chief Secretary
 to the Government of Himachal Pradesh,
 (Department of (Env., Sci., Tech. & Climate Change))

Sub: Requisition for recruitment of various categories of posts (Class- III) in H.P. State Pollution Control Board.

Sir,

In continuation to this office letter No. PCB/ 666/Estt./ Recruitment of JOA (IT) / 2017- 14001-02 dated 29.11.2024 addressed to the Secretary, Himachal Pradesh Rajya Chayan Aayog, Hamirpur with a copy endorsed to your office, on the subject cited above.

In this context, it is submitted that in reference to the above letter, an email dated 04.12.2024 has been received from the Secretary, Himachal Pradesh Rajya Chayan Aayog (HPRCA) vide which it has informed that HPRCA is not accepting any requisition form right now from any Department /Org./ PSU/Board/Corporation etc. as the HPRCA is planning to introduce a single window system through its official website in near future for sending/accepting requisitions. The work is under process & will be completed in due course of time **(Copy attached)**.

It is also apprised that the Hon'ble National Green Tribunal vide orders dated 11.09.2024 passed in Original Application No.693 / 2023 has directed to fill up the posts lying vacant latest by 30.04.2025 **(Copy attached)**.

In light of the above, it is requested that the matter concerning the recruitment of various Class-III categories of posts in the HP State Pollution Control Board may be taken up with the Secretary, Himachal Pradesh Public Service Commission for recruitment as a special case.

Yours faithfully,

Signed by

Anil Joshi

(Anil Joshi, IES)

Member Secretary

H.P. State Pollution Control Board, Shimla

o/c

20

Date: 19-12-2024 18:13:08



Himachal Pradesh State Pollution Control Board
 "Him Parivesh", Phase-III, New Shimla-171009
 Phone No. 0177-2673766, 2673032



Reminder-I

Dated 29/11/24

No. PCB/666/Estt./Recruitment of JOA(IT)/2017-

14003

To

The Director
 Directorate of Sainik Welfare,
 Sainik Bhawan, Hamirpur
 Distt. Hamirpur, H.P. - 177001.

Sub: Requisition for recruitment of various categories of posts in H.P. State Pollution Control Board.

Sir,

Please refer to the subject cited as above.

In this context, it is submitted that requisition for filling up of vacant post of various categories existing in HP State Pollution Control Board was sent to your office as detailed below:-

Sr. No.	Name of Post which requisition sent	No. of Posts	Letter No. and date vide which requisition sent	Category
1	Data Entry Operator	02	No. PCB/664/Estt./ Recruitment of DEO / 2017-6679 dated 17.08.2022	UR (Ex-Servicemen) - 01 SC (Ex-Servicemen) - 01
2	Junior Office Assistant (IT)	01 (03-02)	Letter No. PCB/666/Estt./ Recruitment of Jr. Office Assistant/2017-6724 dated 17.08.2022	SC (Ex-Servicemen) - 01 (Two posts UR-(Ex-Servicemen) already filled up against 03 requisitioned posts.)
3	Junior Accountant	01 (02-01)	No. PCB/662/Estt./ Recruitment of Jr. Accountant/ 2017-6678 dated 17.08.2022	SC (Ex-Servicemen) - 01 (One post UR-(Ex-Servicemen) already filled up against 02 requisitioned posts).
4	Junior Scientific Assistant	02	No. PCB/680/Estt./ Recruitment of JSA/2018-6680 dated 17.08.2022	UR (Ex-Servicemen) - 01 SC (Ex-Servicemen) - 01
5	Junior Environmental	01	No. PCB/681/Estt./ Recruitment of	UR (Ex-Servicemen) - 01

Engineer		JEE/2018-6723 dated 17.08.2022	
	03	No. HPSPCB/ 681/Estt.* Recruitment of JEE/ 18- 23243 dated 20.11.2018	UR (Ex-Servicemen) - 01 ST (Ex-Servicemen) - 01 OBC (Ex-Servicemen)- 01
Total	10		

It is also informed that candidature of 03 Ex- servicemen as sponsored vide your office Letter No. DSW Ex Cell- 97/ 2018/ 1399-1406 dated 15.09.2022 has already been rejected due non fulfilling essential qualification for the post of Junior Environmental Engineer prescribed under Recruitment and Promotion Rules of the post vide this office Letter No. No.PCB/681/Recruitment of JEE/- 12523-26 dated 15.09.2022 with a request to sponsor the candidates afresh.

It is also apprised that the Hon'ble National Green Tribunal vide orders dated 11.09.2024 in Original Application No. 693 / 2023 has directed to fill up the posts lying vacant latest by 30.04.2025 **(Copy attached)**.

You are, therefore, again requested to complete the recruitment process for filling up of above posts in the Board at the earliest please.

Copies of above references are also enclosed herewith for information please.

Encl:- As above.

Yours faithfully,

Signed by

Anil Joshi

Date: 28.11.2024 15:49:10
(Anil Joshi, IFS)

Member Secretary

H.P. State Pollution Control Board

o/c

②



Himachal Pradesh State Pollution Control Board
 "Him Parivesh", Phase-III, New Shimla -171009
 Phone No. 0177-2673766, 2673032



No. PCB/661/Estt./Recruitment of AEE/18-15200-201 Dated: 19-12-24
 To

The Chief Secretary
 to the Govt. of Himachal Pradesh
 Department of Env., Sci., Tech., & Climate Change).

Sub: Requisition for recruitment of 08 (eight) vacant posts of Assistant Environmental Engineer (AEE).

Sir,

In continuation to this office Letter No. PCB/ 661/Estt./Recruitment of AEE/ 18-3329-30 dated 29.06.2024, your office letter No. STE-E(3)5/2023 dated 10.07.2024 & letter No. STE-E(3)5/2023 dated 07.10.2024, on the subject cited above.

In this context, it is submitted that the Recruitment & Promotion Rules for the post of Assistant Environmental Engineer have been published in the e-gazette (Rajptra). A copy of the same is enclosed herewith for information.

It is, therefore, requested that the matter regarding recruitment of Assistant Environmental Engineer in the H.P. State Pollution Control Board may be taken up with the Secretary, Himachal Pradesh Public Service Commission with further submission that the Hon'ble National Green Tribunal vide OA No. 693/2023 dated 11.09.2024 has directed the Board to complete the recruitment process by 30.04.2025 (copy enclosed).

Yours faithfully,

Encl: As above

Signed by

Anil Joshi

(Anil Joshi, IFS)
 Date: 19-12-2024 16:57:00

Member Secretary

ole H.P. State Pollution Control Board, Shimla
 Endst. No./ As above/-

dated: ②

Copy forwarded to:

The Secretary, Himachal Pradesh Public Service Commission, Shimla-171001 w.r.t. this office letter No. PCB/661/Estt./Recruitment of AEE/18-3329-30 dated 29.06.2024 for information and necessary action please.

Sd/-

(Anil Joshi, IFS)

Member Secretary

H.P. State Pollution Control Board, Shimla

**IN THE HON'BLE HIGH COURT C
HIMACHAL PRADESH
AT SHIMLA**

CMP No.

In

CWP No. 2266 of 2019

IN THE MATTER OF:

Dr. Ramakant Awasthi

.....**Non-applicant/Petitioner**

VERSUS

Himachal Pradesh State Pollution Control Board & Ors.

.....**Applicant/Respondents**

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Applicant/Respondent

Through Counsel

Dated: 24.07.2024

Maan Singh

Place: Shimla

(Advocate)

**BEFORE THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

CMP No. of 2024

In

CWP No. 2266/2019

In the matter of:-

Dr. Ramakant Awasthi,

..... Non Applicant /Petitioner

Versus

Himachal Pradesh State Pollution Control Board & Ors.

..... Applicant /Respondents

**Application under section 151 CPC
for vacation of stay on behalf of
Respondent No. 1 i.e. HP State
Pollution Control Board.**

May it please your Lordships:-

1. That the above noted writ petition is pending for adjudication before this Hon'ble Court whereby the petitioner Sh. R.K. Awasthi working as Scientific Officer in the HP State Pollution Control Board has challenged the

provisional seniority list (Annexure P-8) issued by the applicant Board.

2. That the Hon'ble High Court vide order dated 10-9-2019 passed interim stays order in favour of petitioner and restrained the applicant Board from making promotions to the post of Senior Scientific Officer (SSO).
3. That the Applicant Board is facing hardship in its day to day administrative functioning due to the directions issued in the interim stay order dated 10-9-2019.
4. That the Hon'ble National Green Tribunal has taken the suo-motu cognizance vide order dated 23-11-2023 (**Annexure R-1/A**) on the issue of inadequate strength of manpower, high number of vacancies especially in technical positions, and infrastructure required for performing the functions assigned to State Pollution Control Boards under various laws and registered a matter OA No. 693/2023 on news item appearing in Deccan Herald dated 24.10.2023 titled "Pollution control boards are the weak link" . The Hon'ble NGT in this matter has observed the lack of adequate staff in the State Pollution Control Board and vide order dated 12-4-2024 directed the all State Pollution Control Boards to file an affidavit disclosing the reason as to why till now the full strength

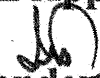
appointments have not been made and why so many sanctioned posts are lying vacant and also mention the time schedule within which the vacant posts will be filled up and necessary in infrastructure in the laboratories will be created. Copy of order dated 12-4-2024 is annexed as **Annexure R-1/B.**

5. That in pursuance to Hon'ble NGT's directions dated 12-4-2024 a meeting was held with Central Pollution Control Board wherein all the State Pollution Control Boards have been asked the reason for non filling up of vacant posts and it was desired that steps be taken for filling up of the vacant posts at the earliest. Copy of minutes of meeting is annexed as **Annexure R-1/C.** The Affidavit in compliance to Hon'ble NGT's order dated 12-4-2024 submitted on behalf of HP State Pollution Control Board is annexed as **Annexure R-1/D.**
6. That similarly the Hon'ble Supreme Court of India is also shown its concern for vacant posts in State Pollution Control Boards in WP (C) No. 13029/1985 titled as M.C. Mehta vs Union of India & Ors. and vide ordre dated 10-7-2024 asked the some of the States to fill up the vacant posts at the earliest. Copy of order dated 10-7-2024 is annexed as **Annexure R-1/E**

7. That presently 5 posts of Senior Scientific Officers are vacant in scientific cadre of HP State Pollution Control Board which are to be filled up through promotion amongst Scientific Officers, however due to interim stay order dated 10-9-2019 the applicant Board is not able to fill up these posts by way of promotions. Similarly the promotions on the lower posts of Scientific Officers (SO) are also affected due non-promotions on the higher posts of SSO. In this regard representation received from one of the Scientific Officer is annexed **Annexure R-1/E**.
8. That the Hon'ble NGT has passed various directions in numbers of cases and the applicant Board is facing hardship to implement such directions due to inadequate scientific staff in the Board's laboratories. Hence, it has become necessary to pray before this Hon'ble Court to vacate the interim stay in this matter, so that vacant posts in the scientific cadre could be filled up for effective functioning of laboratories in the State Board.

Prayer:-

It is therefore, respectfully prayed that this application may kindly be allowed and the interim stay order dated 10-9-2019 may kindly be vacated. Any other relief which this Hon'ble Court deems fit, may also be passed in the interest of justice.

Non Applicant**Respondent No.1****Member Secretary,**
HP State Pollution Control
Shimla

Date: 24/07/2024

Place: Shimla

Through Counsel

**BEFORE THE HON'BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA**

CMP No. of 2024

In

CWP No. 2266/2019

In the matter of:-

Dr. Ramakant Awasthi,

.....Applicant/Petitioner

Versus

Himachal Pradesh State Pollution Control Board & Ors.

.....Non Applicant /Respondents

AFFIDAVIT


I, Anil Joshi S/o Shri Ram Datt Joshi, aged 57 years, at present working as Member Secretary, H.P. State Pollution Control Board, do hereby solemnly affirm and declare on oath as under :-

1. That the accompanying Application has been drafted at my instance and under my instructions.
2. That the contents of Application paras 1-8 are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.


Member Secretary,
HP State Pollution Control
Shimla

3. I further affirm that the contents of this affidavit of mine are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Shimla on 24th day of July, 2024.

 **DEPONENT**
Member Secretary,
HP State Pollution Control
Shimla

Item No. 03

Court No. 1

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

Original Application No. 693/2023

In re: News item appearing in Deccan Herald dated 24.10.2023 titled
"Pollution control boards are the weak link"

Date of hearing: 23.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Amit Singh Chauhan, Adv. for CPCB (Through VC)

ORDER

1. This OA is registered in *suo motu* exercise of power on the basis of the News Item titled **"Pollution control boards are the weak link"** appearing in Deccan Herald dated 24.10.2023.

2. The news item states that the State Pollution Control Board (SPCB) as also Central Pollution Control Board (CPCB) have miserably failed to effectively contribute in curbing the pollution. It is stated that the PCBs across India are in a state of a shambles, though in course of time, their mandate has been expanded much beyond the water related issues. Referring to a working paper from the Centre for Policy Research, the report states that the SPCBs do not have the resources and capacity to perform the functions assigned to them under various laws due to inadequate sanctioned strength of personnel, high number of vacancies especially in technical positions, absence of proper training, lack of pollution monitoring and abatement equipment, absence of technically competent leadership, protracted enforcement mechanisms, insufficient funds and ineffectual spending.

3. The news item raises a substantial issue affecting the compliance of environmental laws.
4. Hence, we find it to be a fit case for consideration by registering OA in *suo-motu* exercise of power which is permissible in terms of the judgment of the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.
5. On the basis of advance notice, a report on behalf of CPCB dated 22.11.2023 has been filed. A perusal of the said report reveals that the news report about insufficient staffing of the PCBs across the country is correct, as in the report of the CPCB following chart has been reproduced disclosing the status of manpower of SPCBs and PCCs:

"Status of manpower of SPCBs / PCCs

S. No	State Pollution Control Boards	Sanctioned	In place	Vacant
1	Andhra Pradesh	289	87	202
2	Arunachal Pradesh	29	27	2
3	Assam	264	176	88
4	Bihar	249	47	202
5	Chhattisgarh	328	241	87
6	Goa	140	127	13
7	Gujarat	831	497	334
8	Haryana	450	165	285
9	Himachal Pradesh	371	221	150
10	Jharkhand	271	73	198
11	Karnataka	723	290	433
12	Kerala	459	224	235
13	Madhya Pradesh	1228	459	769
14	Maharashtra	839	473	366
15	Manipur	120	47	73
16	Meghalaya	152	83	69
17	Mizoram	14	10	4
18	Nagaland	24	19	5
19	Odisha	442	179	263
20	Punjab	652	324	328
21	Rajasthan	808	332	476
22	Sikkim	18	12	6
23	Tamil Nadu	987	590	397
24	Telangana	230	127	103

25	Tripura	28	24	4
26	Uttarakhand	130	51	79
27	Uttar Pradesh	732	407	325
28	West Bengal	309	178	131
Sub - Total (A)		11117	5490	5627

S. No	Pollution Control Committees	Sanctioned	In place	Vacant
1	Andaman and Nicobar Islands	9	6	3
2	Chandigarh	9	7	2
3	Dadra & Nagar Haveli and Daman & Diu	12	2	10
4	Delhi	344	111	233
5	Jammu & Kashmir	445	248	197
6	Ladakh	16	3	13
7	Lakshadweep	5	1	4
8	Puducherry	12	9	3
Sub - Total (B)		852	387	465
Grand Total (A+B)		11,969	5,877	6,092

6. The above chart clearly reveals that out of 11,969 sanctioned posts, only 5877 are filled and in many States such as, Gujarat, Himachal Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, West Bengal, etc., the working strength in the SPCBs/PCCs is even less than half of the sanctioned strength.

7. Same is the position in respect of the laboratories of SPCBs and PCCs which is reflected in the report filed by CPCB in the chart form as under:

"Details of Environmental Laboratories of SPCBs/PCCs

S. No	SPCBs	Central	Regional	Total	EPA	NABL
1	Andhra Pradesh	0	5	5	0	2
2	Arunachal Pradesh	1	1	2	0	0
3	Assam	1	4	5	0	1
4	Bihar	1	4	5	0	0
5	Chhattisgarh	1	6	7	0	0
6	Goa	1	0	1	0	1
7	Gujarat	1	8	9	1	4
8	Haryana	1	3	4	0	3
9	Himachal Pradesh	1	5	6	0	2
10	Jharkhand	1	4	5	0	0

11	Karnataka	2	7	9	1	0
12	Kerala	1	15	16	1	0
13	Madhya Pradesh	1	10	11	0	6
14	Maharashtra	1	7	8	5	3
15	Manipur	1	0	1	0	0
16	Meghalaya	1	0	1	0	1
17	Mizoram	1	0	1	0	0
18	Nagaland	1	0	1	0	0
19	Odisha	1	14	15	0	1
20	Punjab	1	2	3	0	0
21	Rajasthan	1	12	13	0	2
22	Sikkim	1	0	1	0	0
23	Tamil Nadu	1	17	18	1	2
24	Telangana	1	2	3	1	0
25	Tripura	1	3	4	0	0
26	Uttarakhand	1	4	5	0	0
27	Uttar Pradesh	1	22	23	1	11
28	West Bengal	1	5	6	1	1
Sub- Total (A)		28	160	188	12	40

S. No	PCCs	Central	Regional	Total	EPA	NABL
1	Andaman & Nicobar Islands	0	0	0	0	0
2	Chandigarh	0	1	1	0	0
3	Dadra & Nagar Haveli and Daman & Diu	0	0	0	0	0
4	Delhi	1	0	1	0	0
5	Jammu & Kashmir	1	1	2	0	0
6	Ladakh	0	0	0	0	0
7	Lakshadweep	0	0	0	0	0
8	Puducherry	1	1	2	0	1
Sub- Total (B)		3	3	6	0	1
Grand Total (A+B)		31	163	194	12	41

8. The above chart reflects that in some of the States, the properly accredited laboratories are not there under the Environment Protection Act as Environmental Laboratories and in respect of some PCCs such labs even do not exist.

9. Tribunal in O.A. No. 95/2018 in the matter of *Aryavart Foundation Vs. M/s Vapi Green Enviro Ltd.* dated 05.02.2021 had issued following direction:-

“22. The directions on the subject are summed up as follows:

- i. *The Chief Secretaries of all States/UTs, in coordination with their respective Secretary Environment and Chairman State PCB/PCCs, need to forthwith study and address the issues emerging from the CPCB report, prepare and execute their respective action plans which will include filling up all vacant posts by competent persons and procuring the requisite equipment, including commissioning and upgradation of all laboratories and recognition under the EP Act, 1986. The CPCB may assist and monitor all the States for compliance of these directions. The steps in this regard be initiated and completed as far as possible within six months. In view of Section 33 of the NGT Act, 2010, whereunder the NGT Act has overriding powers over other statutes, any restriction placed by any administrative order will not stand in the way of carrying out this direction.*
- ii. *We direct the CPCB to prepare a format which may contain qualifications, minimum eligibility criteria, required experience for the key positions and the specifications of equipment. All States/UTs may act accordingly.*
- iii. *MoEF&CC and CPCB may design a mechanism for annual performance audit of all the State PCBs/PCCs.*
- iv. *It is suggested that if some of the State PCBs find it difficult to select/recruit suitable candidates, a designated Committee of the MoEF&CC and CPCB, in consultation with such State PCBs, may explore possibility of the central selection mechanism so that the talent pool so selected can be made available for posting at appropriate locations, where requirement is found to be otherwise difficult. A plan be prepared for continuous training of the incumbents at regional levels periodically.*
- v. *In view of the findings in the report that at some places administrative manpower is more than technical manpower, such situation may be reviewed and remedied by the concerned States.*
- vi. *The observations that the work of regulators should be fulltime for the incumbents appointed applies to all key positions, including Chairman/Member Secretary and Regional Officers, Engineers, Scientists of PCBs/PCCs. Such incumbents may not be given any other additional charge. Only exception can be in States where there are no significant environmental issues so as to provide the incumbents fulltime work. Such States may seek exemption in respect of this direction from CPCB, giving relevant information justifying such exemption.*
- vii. *CPCB and State PCBs/PCCs, as directed earlier, may utilise EC funds on laboratory set up/upgradation, and on the mentioned areas in the report as well as on approved District Environment Plans. No approval of*

Central/State Government will be necessary in this regard in view of section 33 of the NGT Act, supra.

- viii. Consistent with Digital India initiatives, MoEF&CC/MoJS/CPCB may consider setting up and periodically updating National Environment Data Grid (NEDG) linked to the State Environment Data Grids (SEDGs) DEDGs and further linked to available portals like online air/water quality, Sameer and other monitoring stations to facilitate analysis, research and planning on the subject. It may be further interlinked to initiatives like NMCG/Swachh Bharat/Jal Jeevan Mission.
- ix. To assess the extent of monetary loss caused to the environment on account of violation of environmental norms by failure to scientifically manage waste, violating Water/Air/EP/Forest (Conservation) Acts and other specified Acts for fixing accountability, for improving efficiency and better enforcement of 'Polluter Pays' principle.
- x. To monitor the extent of carrying capacity for particular activities at different locations for planning suitability of siting of particular activities for giving effect to 'Precautionary' and 'Sustainable Development' principles."

10. In view of the above, we deem it proper to implead the following as respondents in this OA:

- 1) State of Andhra Pradesh through Principal Secretary, Department of Environment and Forest.
- 2) State of Arunachal Pradesh through Principal Secretary, Department of Environment and Forest.
- 3) State of Assam through Principal Secretary, Department of Environment and Forest.
- 4) State of Bihar through Principal Secretary, Department of Environment and Forest.
- 5) State of Chhattisgarh through Principal Secretary, Department of Environment and Forest.
- 6) State of Goa through Principal Secretary, Department of Environment and Forest.

- 7) State of Gujarat through Principal Secretary, Department of Environment and Forest.
- 8) State of Haryana through Principal Secretary, Department of Environment and Forest.
- 9) State of Himachal Pradesh through Principal Secretary, Department of Environment and Forest.
- 10) State of Jharkhand through Principal Secretary, Department of Environment and Forest.
- 11) State of Karnataka through Principal Secretary, Department of Environment and Forest.
- 12) State of Kerala through Principal Secretary, Department of Environment and Forest.
- 13) State of Madhya Pradesh through Principal Secretary, Department of Environment and Forest.
- 14) State of Maharashtra through Principal Secretary, Department of Environment and Forest.
- 15) State of Manipur through Principal Secretary, Department of Environment and Forest.
- 16) State of Meghalaya through Principal Secretary, Department of Environment and Forest.
- 17) State of Mizoram through Principal Secretary, Department of Environment and Forest.
- 18) State of Nagaland through Principal Secretary, Department of Environment and Forest.
- 19) State of Odisha through Principal Secretary, Department of Environment and Forest.
- 20) State of Punjab through Principal Secretary, Department of Environment and Forest.

- 21) State of Rajasthan through Principal Secretary, Department of Environment and Forest.
- 22) State of Sikkim through Principal Secretary, Department of Environment and Forest.
- 23) State of Tamil Nadu through Principal Secretary, Department of Environment and Forest.
- 24) State of Telangana through Principal Secretary, Department of Environment and Forest.
- 25) State of Tripura through Principal Secretary, Department of Environment and Forest.
- 26) State of Uttarakhand through Principal Secretary, Department of Environment and Forest.
- 27) State of Uttar Pradesh through Principal Secretary, Department of Environment and Forest.
- 28) State of West Bengal through Principal Secretary, Department of Environment and Forest.
- 29) Union Territory of Andaman & Nicobar through Principal Secretary, Department of Environment and Forest.
- 30) Union Territory of Chandigarh through Principal Secretary, Department of Environment and Forest.
- 31) Union Territory of Dadra & Nagar Haveli and Daman & Diu through Principal Secretary, Department of Environment and Forest.
- 32) Union Territory of Delhi through Principal Secretary, Department of Environment and Forest.
- 33) Union Territory of Jammu & Kashmir through Principal Secretary, Department of Environment and Forest.
- 34) Union Territory of Ladakh through Principal Secretary, Department of Environment and Forest.

- 35) Union Territory of Lakshadweep through Principal Secretary,
Department of Environment and Forest.
- 36) Union Territory of Puducherry through Principal Secretary,
Department of Environment and Forest.
- 37) Central Pollution Control Board's Central and Regional
Laboratories through Secretary, MoEF&CC.
11. Let notice be issued to the above respondents.
12. The above respondents are directed to file their reports showing the sanctioned strength and working strength of staff in the concerned SPCBs/PCCs, CPCB the ratio of administrative, Ministerial and Technical staff in the SPCBs/PCCs, CPCB and the regulating and monitoring facilities which are available with the SPCBs/PCCs/CPCB. In respect of laboratories, the report will disclose the sanctioned strength and present working strength of staff, the infrastructure which is available in the labs and further need for equipment and infrastructure in those labs and the provisions made in laboratories for enforcement and monitoring of hotspots in critically polluted areas. The report should also include the availability of budget and its sources and expenditure in last two years (2020-2021 and 2021-2022). Let these reports be submitted within a period of 8 weeks 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.
13. List on 02.02.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

November 23, 2023
Original Application No. 693/2023
DV

Item No.12

Court No. 1

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

Original Application No.693/2023

News Item titled "Pollution Control Boards are the weak link" appearing in Deccan Herald dated 24.10.2023.

Date of hearing: 12.04.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Amit Singh Chauhan, Adv. for CPCB (Through VC)
Ms. Srishti Govil & Mr. Tanish Manuja, Advs. for MoEF & CC
Mr. Rahul Khurana, Adv. for the State of Haryana & HSPCB
Mr. Shubham Bhalla & Ms. Ruksana, Advs. for R - 30 (Through VC)
Mr. Kaushal Gautam & Ms. Snehpreet Kaur, Advs. for UKPCB
Ms. Jyoti Mendiratta, Adv. for Govt. of NCT of Delhi (Through VC)
Mr. A.V. Nair, Adv. for Gujarat PCB (Through VC)
Mr. Apoorv Kurup & Ms. Aanchal, Advs. for UT of Lakshadweep (Through VC)
Mr. Bhanwar Pal Singh Jadon, Adv. for the State of UP (Through VC)
Mr. Vaibhav Srivastava, Adv. for HP SPCB

ORDER

1. In this original application, issue relates to infrastructure, resources and capacity of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) to perform the functions assigned to them, which is affected on account of inadequate sanctioned strength of personnel, high number of vacancies especially in technical positions, absence of proper training, lack of pollution monitoring and abatement equipments, absence of technically competent leadership, protracted enforcement mechanisms, insufficient funds and ineffectual spending.

2. Tribunal in the order dated 23.11.2023 had taken note of the fact that large number of posts in the SPCBs were lying vacant and that there was absence of properly accredited laboratories and Tribunal had impleaded concerned States/Union Territories through their Principal Secretary, Department of Environment and Forest and directed them to file

their reports showing the sanctioned strength and working of staff in the concerned SPCBs/PCCs and CPCB, ratio of administrative, ministerial and technical staff and regulating and monitoring facilities available therein.

3. Tribunal by order dated 02.02.2024 had directed the CPCB to tabulate the said information disclosed in the reports of SPCBs/PCCs. In terms of the directions of the Tribunal, tabulated information has been produced by CPCB in its report dated 05.04.2024. Said report reflects very grim situation in respect of working strength in the PCBs/PCCs. Staff strength i.e. sanctioned, working, vacant in SPCBs and PCCs is disclosed to be as under:-

Table 1a: Status of Staff Strength in SPCBs

S. No	State Pollution Control Boards	Staff Strength in Number			Vacant in %
		Sanctioned	Working	Vacant	
1	Andhra Pradesh	289	87	202	69.90
2	Arunachal Pradesh	27	27	0	0.00
3	Assam	264	245	19	7.20
4	Bihar	249	40	209	83.94
5	Chhattisgarh	328	241	87	26.52
6	Goa	140	127	13	9.29
7	Gujarat	801	307	494	61.67
8	Haryana	448	167	281	62.72
9	Himachal Pradesh	371	221	150	40.43
10	Jharkhand	271	73	198	73.06
11	Karnataka	723	290	433	59.89
12	Kerala	434	263	171	39.40
13	Madhya Pradesh	1228	458	770	62.70
14	Maharashtra	839	473	366	43.62
15	Manipur	120	46	74	61.67
16	Meghalaya	152	82	70	46.05
17	Mizoram	23	18	5	21.74
18	Nagaland	19	19	0	0.00
19	Odisha	463	193	270	58.32
20	Punjab	652	351	301	46.17
21	Rajasthan	808	332	476	58.91
22	Sikkim	27	15	12	44.44
23	Tamil Nadu	1059	620	439	41.45
24	Telangana	230	127	103	44.78
25	Tripura	28	24	4	14.29

S. No.	State Pollution Control Boards	Staff Strength in Number			Vacant in %
		Sanctioned	Working	Vacant	
26	Uttarakhand	130	51	79	60.77
27	Uttar Pradesh	732	403	329	44.95
28	West Bengal	309	172	131	42.39
Sub - Total (A)		11,164	5,470	5,680	50.93

Table 1b :Status of Staff Strength in PCCs

S. No	Pollution Control Committees	Staff Strength			Vacancy in %
		Sanctioned	Working	Vacant	
1	Andaman and Nicobar Islands	9	6	3	33.33
2	Chandigarh	9	7	2	22.22
3	Dadra & Nagar Haveli and Daman & Diu	12	2	10	83.33
4	Delhi	344	191	153	44.48
5	Jammu & Kashmir	445	242	203	45.62
6	Ladakh	16	5	11	68.75
7	Lakshadweep	5	1	4	80.00
8	Puducherry	12	9	3	25.00
Sub - Total (B)		852	463	389	45.66
Grand Total (A+B)		12,016	5,941	6,075	50.56

4. Status of contractual staff strength in the SPCBs and PCCs is disclosed to be as under:-

Table 2: Status of Contractual Staff Strength in SPCBs/ PCCs

S. No	SPCBs/PCCs	Technical			Admin.	Total
		Engineering	Science	Sub-Total		
1	Andaman and Nicobar Islands	3	6	9	0	9
2	Chandigarh	5	0	5	22	27
3	Chhattisgarh	0	25	25	86	111
4	Dadra & Nagar Haveli and Daman & Diu	14	0	14	11	25
5	Delhi	2	3	5	76	81
6	Goa	6	19	25	0	25
7	Haryana	0	34	34	80	114
8	Jharkhand	17	20	37	40	77
9	Kerala	0	71	71	48	119
10	Ladakh	03	05	08	04	12
11	Madhya Pradesh	56	48	104	113	217
12	Nagaland	5	23	28	0	28
13	Odisha	02	43	45	0	45
14	Tamil Nadu	0	52	52	05	57
15	Uttar Pradesh	33	57	90	07	97
16	Uttarakhand	0	44	44	03	47
Total		146	450	596	495	1091

5. Ratio of administrative and technical posts in SPCBs and PCCs is found to be as under:

"Table 3a: Ratio of Administrative and Technical Posts in SPCBs

S. No.	State Pollution Control Boards	Sanctioned Staff Strength		Ratio (A:T)
		Administrative	Technical	
1	Andhra Pradesh	113	176	1 : 1.56
2	Arunachal Pradesh	11	16	1 : 1.45
3	Assam	147	117	1 : 0.80
4	Bihar	128	121	1 : 0.95
5	Chhattisgarh	167	161	1 : 0.96
6	Goa	53	87	1 : 1.64
7	Gujarat	147	654	1 : 4.45
8	Haryana	209	239	1 : 1.14
9	Himachal Pradesh	182	189	1 : 1.04
10	Jharkhand	127	144	1 : 1.13
11	Karnataka	303	420	1 : 1.39
12	Kerala	205	229	1 : 1.12
13	Madhya Pradesh	636	592	1 : 0.93
14	Maharashtra	418	421	1 : 1.01
15	Manipur	52	68	1 : 1.31
16	Meghalaya	79	73	1 : 0.92
17	Mizoram	9	14	1 : 1.56
18	Nagaland	8	11	1 : 1.38
19	Odisha	176	287	1 : 1.63
20	Punjab	324	328	1 : 1.01
21	Rajasthan	198	610	1 : 3.08
22	Sikkim	10	17	1 : 1.70
23	Tamil Nadu	537	522	1 : 0.97
24	Telangana	90	140	1 : 1.56
25	Tripura	9	19	1 : 2.11
26	Uttarakhand	54	76	1 : 1.41
27	Uttar Pradesh	359	373	1 : 1.04
28	West Bengal	149	160	1 : 1.07

3b: Ratio of Administrative and Technical Posts in PCCs

S. No.	Pollution Control Committees	Sanctioned Staff Strength		Ratio (A:T)
		Administrative	Technical	
1	Andaman and Nicobar Islands	4	6	1 : 1.50
2	Chandigarh	0	9	-

S. No	Pollution Control Committees	Sanctioned Staff Strength		Ratio (A:T)
		Administrative	Technical	
3	Dadra & Nagar Haveli, Daman & Diu	2	10	1 : 5.00
4	Delhi	160	183	1 : 1.14
5	Jammu & Kashmir	215	230	1 : 1.07
6	Ladakh	16	0	-
7	Lakshadweep	0	5	-
8	Puducherry	0	12	-

6. Details of environmental laboratories in SPCBs and PCCS are as under:-

"Table 4a: Details of Environmental Laboratories at SPCBs

S. No.	SPCBs	Central	Zonal/ Regional	Total	EPA	Only NABL
1	Andhra Pradesh	0	5	5	0	2
2	Arunachal Pradesh	1	1	2	0	0
3	Assam	1	4	5	1	1
4	Bihar	1	0	1	0	0
5	Chhattisgarh	1	6	7	0	0
6	Goa	1	0	1	0	1
7	Gujarat	1	8	9	1	3
8	Haryana	1	3	4	0	3
9	Himachal Pradesh	1	5	6	0	2
10	Jharkhand	1	4	5	0	0
11	Karnataka	2	7	9	0	0
12	Kerala	1	15	16	1	0
13	Madhya Pradesh	1	10	11	1	8
14	Maharashtra	1	7	8	6	8
15	Manipur	1	0	1	0	0
16	Meghalaya	1	0	1	0	1
17	Mizoram	1	0	1	0	0
18	Nagaland	1	0	1	0	0
19	Odisha	1	14	15	0	1

20	Punjab	1	2	3	0	0
21	Rajasthan	1	13	14	0	2
22	Sikkim	1	0	1	0	0
23	Tamil Nadu	1	17	18	1	2
24	Telangana	1	2	3	1	0
25	Tripura	1	2	3	0	0
26	Uttarakhand	1	4	5	0	0
27	Uttar Pradesh	1	21	22	1	11
28	West Bengal	1	6	7	1	2
Sub Total (A)		28	156	184	14	47

Table 4b: Details of Environmental Laboratories at PCCs

S No.	PCCs	Central	Regional	Total	EPA	Only NABL
1	Andaman and Nicobar Islands	0	0	0	0	0
2	Chandigarh	1	0	1	0	0
3	Dadra & Nagar Haveli and Daman & Diu	0	0	0	0	0
4	Delhi	1	0	1	0	0
5	Jammu & Kashmir	0	2	2	0	0
6	Ladakh	0	0	0	0	0
7	Lakshadweep	0	0	0	0	0
8	Puducherry	1	1	2	0	1
Sub Total (B)		3	3	6	0	1
Grand Total (A+B)		31	159	190	14	48

7. Details of environmental monitoring network at SPCBs and PCCs has been found to be:-

"Table 5a: Details of Environmental Monitoring Network at SPCBs

No.	SPCBs	NWMP	NAMP	CAAQMS	NANMN
1.	Andhra Pradesh	160	72	12	8
2.	Arunachal Pradesh	17	2	1	0
3.	Assam	237	32	9	0
4.	Bihar	170	8	35	0
5.	Chhattisgarh	39	17	14	0
6.	Goa	115	19	0	0
7.	Gujarat	182	67	17	0
8.	Haryana	65	5	30	0
9.	Himachal Pradesh	243	25	1	0
10.	Jharkhand	74	10	4	0
11.	Karnataka	325	30	42	10
12.	Kerala	211	29	9	0
13.	Madhya Pradesh	254	42	28	4
14.	Maharashtra	252	74	93	10
15.	Manipur	75	1	2	0
16.	Meghalaya	84	11	2	0
17.	Mizoram	121	34	1	0
18.	Nagaland	28	10	1	0
19.	Odisha	346	53	19	0
20.	Punjab	147	52	8	0
21.	Rajasthan	199	45	45	0
22.	Sikkim	30	9	1	0
23.	Tamil Nadu	171	52	28	10
24.	Telangana	273	22	14	10
25.	Tripura	120	2	2	0
26.	Uttarakhand	163	84	57	0
27.	Uttar Pradesh	61	12	3	10
28.	West Bengal	143	84	15	10
Sub - Total (A)		4305	903	493	72

Table 5b: Details of Environmental Monitoring Network at PCCs

PCCs	NWMP	NAMP	CAAQMS	NANMN
Andaman and Nicobar Islands	0	3	0	0
Chandigarh	11	5	3	0
Dadra & Nagar Haveli and Daman & Diu	24	6	0	0
Delhi	88	7	40	10
Jammu & Kashmir	133	31	1	0
Ladakh		0	0	0
Lakshadweep	45	1	0	0
Puducherry	34	6	1	0
Sub- Total (B)	335	59	45	10
Total (A+B)	4640	962	538	82

8. Sanctioned and present working strength of the laboratories in SPCBs and PCCs has been found to be:-

"Table 6a: Sanctioned and Present Strength in SPCBs Labs

S. No.	SPCBs	Strength of Laboratory			Contractual Staff
		Sanctioned	Working	Vacancy	
1.	Andhra Pradesh	69	17	52	0
2.	Arunachal Pradesh	12	12	0	0
3.	Assam	47	38	9	0
4.	Bihar	65	7	58	12
5.	Chhattisgarh	121	44	77	25
6.	Goa	53	48	5	19
7.	Gujarat	283	118	165	0
8.	Haryana	78	32	46	34
9.	Himachal Pradesh	86	37	49	0
10.	Jharkhand	144	79	65	20
11.	Karnataka	142	36	106	95
12.	Kerala	91	7	84	71
13.	Madhya Pradesh	441	162	279	0

14.	Maharashtra	86	48	38	0
15.	Manipur	4	4	0	0
16.	Meghalaya	52	25	27	0
17.	Mizoram	9	6	3	0
18.	Nagaland	7	7	0	0
19.	Odisha	197	73	124	45
20.	Punjab	65	23	42	0
21.	Rajasthan	197	82	115	0
22.	Sikkim	9	3	6	0
23.	Tamil Nadu	216	163	53	52
24.	Telangana	62	42	20	0
25.	Tripura	12	11	1	0
26.	Uttarakhand	2	2	0	47
27.	Uttar Pradesh	182	132	50	22
28.	West Bengal	74	48	26	0
Sub - Total (A)		2806	1306	1500	442

Table 6b: Sanctioned and Present Strength in PCCs Labs

S. No.	PCCs	Strength of Laboratory			Contractual Staff
		Sanctioned	Working	Vacancy	
1	Andaman & Nicobar	No Laboratory			
2	Chandigarh	7	7	0	4
3	DNH & Daman & Diu	No Laboratory			
4	Delhi	31	4	27	3
5	Jammu & Kashmir	111	41	70	0
6	Ladakh	No Laboratory			
7	Lakshadweep	No Laboratory			
8	Puducherry	10	8	2	0
Sub- Total (B)		159	60	99	7
Total (A+B)		2965	1366	1599	449

9. We find that out of sanctioned staff strength exists in the SPCBs and PCCs, appointments have not been made and posts are lying vacant which

is affecting the regulatory mechanism at the State level on environmental issues. On Staffing: 1) Almost 50 percent posts are vacant. Maximum posts are lying vacant in Bihar, Jharkhand and UT of Daman-Diu. Such a huge vacancy is one of the major reason for improper enforcement of Acts and Rules. 2) PCBs and PCCs have taken 1091 Contractual staff and out of them, 146 and 450 are with Technical and Scientific background respectively. If such staff can be taken on contract then why regular recruitment cannot be made.

We also find that proper facility and infrastructure is lacking in the SPCBs and PCCs laboratories. Out of 190 laboratories, only 14 laboratories are recognized as Environmental Lab under EPA. Further, merely having NABL Certification in 48 laboratories has no meaning unless they form a part of Environment Laboratory. The report however does not disclose notification of laboratories under section 17(2) and Section 52 of the Water Act and Section 17(2) and section 28 of the Air Act. We are of the view that Table 7 disclosing laboratory infrastructure for analyzing environmental parameters be reviewed by CPCB with PCBs to strengthen laboratories for monitoring prescribed parameters notified in Schedule I under EP rules and specified while granting CTOs.

10. No details of staff strength, ratio of administrative and technical posts, environmental laboratories, monitoring network has been disclosed for CPCB.

11. Report further discloses the income generated and expenditure by SPCBs and PCCs as under:-

"Table 9a: Income Generated and Expenditure by the SPCBs

All in Lakhs

S. No.	SPCBs	2020-21		2021-22		Ave Exp in %
		Generated	Expenditure	Generated	Expenditure	
1.	Andhra Pradesh	5619.00	6745.00	19608.00	5347.00	47.93
2.	Arunachal Pradesh	457.72	282.81	572.16	452.65	71.41
3.	Assam	408.00	253.00	449.70	254.00	59.11
4.	Bihar	2892.30	2792.36	3423.63	3683.76	102.54
5.	Chhattisgarh	6232.80	4583.96	6739.75	5276.69	76.01
6.	Goa	1552.60	1259.62	1438.53	2023.02	109.75
7.	Gujarat	17820.85	6599.16	17611.70	5511.68	34.18
8.	Haryana	18359.91	9966.35	11485.00	4906.00	49.83
9.	Himachal Pradesh	3327.00	2726.00	3219.00	2156.00	74.58
10.	Jharkhand	3367.81	1594.09	2906.58	1456.92	48.63
11.	Karnataka	10562.26	8731.78	42989.63	11068.98	36.97
12.	Kerala	8300.01	4590.93	12011.45	4374.95	44.14
13.	Madhya Pradesh	4318.39	2068.33	4673.08	1930.01	44.47
14.	Maharashtra	49068.70	15038.15	51776.40	16369.92	31.14
15.	Manipur	315.31	315.31	294.87	296.03	100.19
16.	Meghalaya	1364.13	973.81	1176.25	1003.71	77.84
17.	Mizoram	169.33	171.17	177.47	176.68	100.30
18.	Nagaland	145.58	145.58	165.93	165.93	100.00
19.	Odisha	11461.43	2647.74	8499.35	3188.79	29.24
20.	Punjab	8746.12	9248.75	8440.65	6364.56	90.84
21.	Rajasthan	12104.43	9663.54	15856.56	8553.79	65.15
22.	Sikkim	243.63	195.90	246.48	468.10	135.48
23.	Tamil Nadu	33376.40	11754.38	35646.41	25930.36	54.60
24.	Telangana	11422.00	9822.00	15472.00	4956.00	54.95
25.	Tripura	237.64	237.64	304.34	304.34	100.00
26.	Uttarakhand	8755.78	7237.61	5521.56	3210.12	73.18
27.	Uttar Pradesh	21313.45	21313.45	23440.66	23440.66	100.00
28.	West Bengal	8346.11	7502.67	6273.05	4540.61	82.38

Table 9b: Income Generated and Expenditure by the PCCs

All in Lakhs

PCCs	2020-21	2021-22	Ave Exp
------	---------	---------	---------

S. No.		Generated	Expenditure	Generated	Expenditure	in %
1.	A&N	64.00	55.00	72.00	68.40	90.74
2.	Chandigarh	489.71	433.55	424.75	391.16	90.19
3.	DNH & DD	957.45	128.41	1181.64	212.17	15.92
4.	Delhi	5209.49	2493.28	3235.18	2661.74	61.04
5.	Jammu & Kashmir	3389.42	2553.94	3306.46	2612.80	77.16
6.	Ladakh	115.00	0.00	200.00	26.34	8.36
7.	Lakshadweep	7.90	0.00	9.28	17.18	100.00
8.	Puducherry	244.09	212.13	332.01	242.36	78.89

*- Expenditure of Both years

12. As per the said chart, average expenditure is much below the generation of income. Reason for not initializing the collected amount fully when need exists and time-bond plan under different heads for utilization of the same. The information disclosed in Table 9 a and 9 b does not give sources of budget as per summery given under para 8 (e). This should also be filed by SPCBs and PCCs to CPCB with their affidavit.

13. Hence, we direct the Member Secretary of all the SPCBs and PCCs to file an affidavit before the Member Secretary of Central Pollution Control Board (CPCB) within a period of six weeks from today disclosing the reason as to why till now the full strength appointments have not been made and why so many sanctioned posts are lying vacant and also time schedule within which the vacant posts will be filled up and necessary in infrastructure in the laboratories will be created and also covering other observations made above. On receipt of such affidavit, Member Secretary of CPCB will organize a meeting with all the Member Secretaries of SPCBs and PCCs within eight weeks to remediate the situation and thereafter, Member Secretary of CPCB will submit report before the Tribunal within twelve weeks disclosing outcome of the meeting and also time schedule

disclosed by SPCBs and PCCs for filling up the vacant posts and creating the necessary infrastructure in the laboratories and for setting up the laboratories where they don't exist in the tabulated form.

14. We also noticed that environmental monitoring program has been set up for monitoring the ambient air quality, water quality and ambient noise monitoring. Monitoring program for marine water quality monitoring needs to be strengthened by enhancing monitoring capabilities on their environmental aspects. Hence, Member Secretary of CPCB will also discuss this aspect in the meeting with the Member Secretaries of SPCBs and PCCs and will take appropriate decision in this regard.

15. A copy of this order be forwarded to Member Secretary of CPCB and Member Secretaries of all the SPCBs and PCCs by email for compliance.

16. List on 29.07.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

April 12, 2024
Original Application No.693/2023
JG.



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**Central Pollution Control Board
Delhi – 110 032**

Minutes of the Review Meeting with SPCBs / PCCs w.r.t Hon'ble NGT order suo moto matter O.A 693 of 2023, - "Pollution Control Boards are the Weak Link" – reg.

In the matter of Hon'ble NGT order Suo moto O.A 693 of 2023 a meeting was held on 14.06.2024 at 12:30 PM with the Member Secretaries and officials of State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) under the Chairmanship of Member Secretary, Central Pollution Control Board (CPCB), so as to review in compliance of the said order. The meeting was attended by all SPCBs/ PCCs except Haryana SPCB.

At the outset, MS, CPCB welcomed all the participants and briefed the background of the O.A 693 of 2023 and directions passed therein with regard to vacancy, laboratories infrastructure and budget details.

Thereafter, Shri G. Thirumurthy, Divisional Head, Pollution Control Planning Division, CPCB presented the status of affidavits submitted by the 28 SPCBs / PCCs and also informed that affidavit from the 08 SPCBs / PCCs namely Karnataka, Rajasthan, Jharkhand, Uttara hand, Arunachal Pradesh, Manipur, Sikkim and Andaman and Nicobar Islands have not yet been received. He also presented various short comings noticed in the affidavits so far submitted in terms of timeline for filling of vacancy, duration since posts are vacant, reason for not filling the posts and sources of revenue along with expenditure incurred during FY 2020 - 21 and 2021 - 22 etc.

Shri Sanjay Singh, Divisional Head, Trace Organic Laboratory, CPCB presented the status of information submitted vide affidavits by the 28 SPCBs / PCCs w.r.t. strengthening of laboratories, notification under Water Act and Air Act, Creation of necessary additional infrastructure along with the short-comings, discrepancies and deviations observed in the information submitted by SPCBs/ PCCs. He also highlighted that various shortcomings noticed in the affidavits so far submitted in terms of strengthening and notification of Laboratories under Section 52 of the Water Act and under section 28 of Air Act, facility available for sampling and analysis of Schedule I parameters of EP Rules as per Consent to Operate issued to the industries, plans for establishment of new labs etc.

After detailed deliberations, the following decisions were taken:

1. The remaining 7 SPCBs (Karnataka, Rajasthan, Jharkhand, Uttara hand, Arunachal Pradesh, Manipur, Sikkim) and 1 PCC (Andaman and Nicobar Islands) shall submit the requisite information immediately in the form of affidavit to the CPCB.
2. Respective shortcomings / gaps on required information vis-à-vis directions to the Hon'ble NGT would be communicated to each of the 28 SPCBs / PCCs to enable them re-submit the affidavit.

3. The submission / re-submission of affidavit by SPCBs / PCCs shall ensure the following information:

A. Sanction of posts with timeline:

S. No.	No. of Sanctioned posts	No. of Vacant posts	Duration since when Vacant (in month)	Reason for not filling the vacant posts	Time line for filling the vacancy (in month)	List of activities to be carried out for filling the vacancy and their respective timeline

Remarks, if any:

B. Details of Laboratories w.r.t. Water (Prevention and Control of Pollution) Act, 1974.

- a) Total number of all types of laboratory setup by SPCB/PCC:
- b) Out of (a) above, how many laboratories are established as State Water Laboratory:
- c) Have all laboratories, as at (b) above, has been notified in the official Gazette:
- d) Whether any State (or) Institute Laboratories, other than those set up by SPCB/PCC have been specified as State Water Laboratory. If yes, please provide the following:
 - i. Number of such laboratory specified:
 - ii. Number of such laboratory notified in the official Gazette:
- e) (i) Number of Laboratory planned for notification as State Water Laboratory:
(ii) Time required for notification under Section 52 of Water Act (in months):

C. Details of Laboratories w.r.t. Air (Prevention and Control of Pollution) Act, 1981.

- a) Out of B(a) above laboratory, how many laboratories are established as State Air Laboratory:
- b) Have all laboratories, as at (a) above, has been notified in the official Gazette:
- c) Whether any State (or) Institute Laboratories, other than those set up by SPCB/PCC have been specified as State Air Laboratory. If yes, please provide the following:
 - i. Number of such laboratory specified:
 - ii. Number of such laboratory notified in the official Gazette:
- d) (i) Number of Laboratory planned for notification as State Air Laboratory:
(ii) Time required for notification under Section 28 of Air Act (in months):

D. Information on laboratory recognized as "Environment Laboratory" under Environment (Protection) Act, 1986 (EPA 1986)

- a) Out of B(a) above laboratory, how many of them recognized as "Environment Laboratory" under EPA 1986?
- b) Number of laboratory planned for recognition under EPA 1986:
- c) Time required for recognition under EPA 1986 (in months)?:

E. Details about sampling and monitoring under Schedule I of the EP Rules and prescribed under Consent to Operate

- a) Total number of parameters prescribed in the various CTO issued by SPCB/PCC:
- b) Total number of parameters for which the laboratory, as at (a) above, have facility to monitor and analysis the parameter as at Schedule I:
- c) In case SPCB/PCC does not have its facility to sample & analysis all parameters as at (a) above:
 - (i) How much parameters (for which the SPCB / PCC do not have its laboratory facility to sample & analyze) are being monitored:
 - (ii) Whether SPCB / PCC has plan to have its facility to sample & analyze all parameters? If yes, please give timeline by which the same shall be commissioned. If not, reasons thereto.

F. Source of Income & Expenditure:

Break-up of Income and expenditure generated during F.Y. 2020-21 and 2021-22 clearly mentioning the following sources:

S. No.	Source of Income	FY 2020 -21 in (Rs)		FY 2021 -22 in (Rs)	
		Income	Expenditure	Income	Expenditure
1.	Consent fee				
2.	Authorization fee				
3.	Lab analysis charges				
4.	Bank Interest earned				
5.	Environmental Compensation fund of SPCB / PCC				
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				
	Total				

- Reason for not utilizing the collected amount fully:

4. The information, as above, shall be submitted only through affidavit and those submitted through letter, emails, WhatsApp, etc. not be considered. Therefore, SPCBs / PCCs shall accordingly submit the revised affidavit by 21.06.2024 incorporating the information as above.

Meeting ended with vote of thanks to the chair.

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

O.A. No.693/2023


In the matter of:

News Item appearing in Deccan Herald dated 24.10.2023 titled
"Pollution Control Boards are the weak link".

**ADDITIONAL REVISED AFFIDAVIT ON BEHALF
OF H.P. STATE POLLUTION CONTROL BOARD
IN COMPLIANCE TO ORDER DATED 12-04-2024
PASSED BY HON'BLE NGT IN THIS MATTER.**

I, Anil Joshi, S/o Sh. Ram Dutt aged about 57 years, at present working as Member Secretary, H.P. State Pollution Control Board at Shimla, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under:-

1. That in the instant matter related to lack of infrastructure, resources and inadequate sanctioned strength of personnel in the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs), the Hon'ble NGT vide order dated 12.04.2024 had directed the Member Secretaries of all the SPCBs and PCCs to file an affidavit before the Member Secretary of Central Pollution Control Board (CPCB) on the observations made in the said order.


Member Secretary,
HP State Pollution Control
Shimla

2. That in compliance to the directions of the Hon'ble NGT the State Board had submitted its affidavit dated 6-6-2024 and thereafter a revised affidavit dated 14-7-2024 was also submitted on the prescribed format to the Central Pollution Control Board as desired in the review meeting held on 14-6-2024.
3. That thereafter again a Review Meeting was held on 12-7-2024 by the Central Pollution Control Board with all SPCBs/PCCs w.r.t. the directions passed by Hon'ble NGT wherein some gaps were conveyed to the State Board and it was desired that a revised affidavit be submitted to the CPCB.
4. That the additional revised affidavit containing the detailed information as desired by CPCB in the meeting dated 14-6-2024 and 12-7-2024 on the format is as under :-

A. Sanction of Posts with Timeline							
S. N o.	Name of Post	No. of sanctioned posts	No. of vacant posts	Duration since when vacant (in months)	Reason for not filling the vacant posts	Time line for filling the vacancy (in month)	List of activities to be carried out for filling the vacancy and their respective timelines.
1.	Member Secretary	1	0	Post filled up	Post filled up	Post filled up	Post filled up
2.	Joint controller	1	0	Post filled up	Post filled up	Post filled up	Post filled up
3.	Assistant Controller	1	0	Post filled up	Post filled up	Post filled up	Post filled up
4.	Chief Environmental Engineer	1	0	Post filled up	Post filled up	Post filled up	Post filled up
5.	Senior Environmental Engineer	4	4	22-48 months	Non-availability of eligible candidate in the feeder category	43 months (presently no one is eligible in feeder)	Tentative time line 43 months.

Member Secretary,
HP State Pollution Control
Shimla

6.	Environmental Engineer	8	5	3 to 56 months	(All are promotional posts).	category)	
7.	Assistant Environmental Engineer	21	8	41- 57 months	Requisition sent to HPPSC for 08 posts, but process held up due to court case	On decision of court case.	Procedural requirement for vacation of stay is being initiated and could be completed in one year.
8.	Jr. Environmental Engineer	45	21	20 to 57 months	Closure of H.P. Staff Selection Commission / non recommendation of candidates by Ex-Servicemen	Within 12 months (approx.)	Matter is under process with the recruitment agencies and it may take one year to complete.
9.	Chief Scientific Officer	1	0	Post filled up	Post filled up	Post filled up	Post filled up
10.	Principal Scientific Officer	1	0	Post filled up	Post filled up	Post filled up	Post filled up
11.	Senior Scientific Officer	7	5	23 to 29 months	Due to pending court case (All are promotional posts).	On decision of court case.	Procedural requirement for vacation of stay is being initiated and could be completed in one year.
12.	Scientific Officer	12	1	23 months	Requisition already sent to HP Public Service Commission (HPPSC) and is under process	On recommendation of candidates from HPPSC	Advertisement issued, examination will be conducted by HPPSC soon (3 months)
13.	Jr. Scientific Officer	29	6	20 to 33 months	Appointed 11 JSO in June, 2024 against requisition of 14. 3 posts remained vacant due to non-availability of candidates.	12 months for posts by direct recruitment/on eligibility of candidates in the feeder category.	Tentative time line one year
14.	Jr. Scientific Asstt.	13	11	25 to 57 months	Closure of H.P. Staff Selection Commission / non recommendation of candidates by Ex-Servicemen	Within 12 months (approx.) / receipt of recommendation of Ex-servicemen Cell (2 Nos.) / eligibility of suitable candidate in feeder category for promotion	Matter is under process with the recruitment agencies. Tentative time line one year

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						(51 months)	
15.	Sr. Lab. Asstt.	6	1	0	Matter under process	1-2 month	Post filled up
16.	Lab. Asstt.	17	16	2 to 100 months	Due non-eligibility of candidates in feeder category	On eligibility of candidates in feeder category.	08 numbers of Laboratory Assistants are being hired from Outsourcing Agency (3 months).
17.	Sr. Law Officer	1	0	Post filled up	Post filled up	Post filled up	Post filled up
18.	Law Officer	1	0	Post filled up	Post filled up	Post filled up	Post filled up
19.	Asstt. Law Officer	3	1	32 months	Requisition already sent to HPPSC and is under process	On recommendation of candidates from HPPSC	Advertisement issued, examination will be conducted by HPPSC soon. (3 months)
20.	Private Secretary	1	0	Post filled up	Post filled up	Post filled up	Post filled up
21.	Jr. Scale Stenographer	3	0	Post filled up	Post filled up	Post filled up	Post filled up
22.	Steno Typist	1	1	2 months	Fresh Requisition to be sent	12 months on need basis.	Post vacated in the month of March, 2024 fresh requisition is yet to be made. Tentative time line one year
23.	System Manager	1	0	Post filled up	Post filled up	Post filled up	Post filled up
24.	Programmer	1	1	57 months	Non framing of R & P Rules.	On framing / finalization of R & P Rules (12 Months)	On framing of R & P Rules (12 months) further action will be taken accordingly. Tentative time line one year
25.	Sr. Database Analyst	2	0	Post filled up	Post filled up	Post filled up	Post filled up
26.	Database Analyst	5	2	29 months	Closure of H.P. Staff Selection Commission	12 months	Matter is under process with the recruitment agencies. Tentative time line one year
27.	Data Entry Operator	16	5	29 to 100 months	Closure of H.P. Staff Selection Commission / non-recommendatio	12 months / on recommendation of candidates from Ex-servicemen Cell	Matter is under process with the recruitment agencies. Tentative time

					n of candidates by Ex-Servicemen	(2 Nos.)	line one year.
28.	Supdt. Gr. - I	2	0	Post filled up	Post filled up	Post filled up	Post filled up
29.	Supdt. Gr. - II	5	1	2 months	Due to sudden demise of employee	2 month (approx.)	Process is being initiated. Tentative time line two months
30.	Sr. Asstt.	9	3	30 to 41 months	Non-eligibility of candidates in feeder category	On eligibility in feeder category (16 months (approx.)).	On eligibility in feeder category (16 months (approx.)).
31.	Clerk	17	4	2 to 36 months	Requisition is to be sent to HPRCA for direct recruitment and promotional post will be filled up from eligible class IV employee.	Direct recruitment within 12 months / promotional post(s) within 2 months	Fresh requisition will be sent to the H.P. Rajya Chayan Ayog (HPRCA) / other recruiting agency as may be fixed by Govt. of H.P. and promotional post (s) will be filled up from eligible class IV employee(s) (2 months).
32.	Jr. Office Assistant (IT)	23	21	3 to 82 months	Closure of H.P. Staff Selection Commission / non recommendation of candidates by Ex-Servicemen	12 months	Matter is under process with the recruitment agencies. 06 numbers of Jr. Office Assistant (IT) are being hired from Outsourcing Agency (3 months).
33.	Jr. Office Assistant (Accounts)	1	1	3 months	Newly created posts	12 months	Fresh requisition will be sent to the H.P. Rajya Chayan Ayog (HPRCA) / other recruiting agency as may be fixed by Govt. of H.P. Tentative time line six months.
34.	Accountant	4	0	Post filled up	Post filled up	Post filled up	Post filled up
35.	Jr. Accountant	20	12	2 to 35 months	Closure of H.P. Staff Selection Commission / non recommendation of candidates	12 months	Matter is under process with the recruitment agencies. Tentative time line one year

					by Servicemen / vacant due to promotion of the Accountant		
36.	Driver	12	1	14 months	Due to hiring of taxis for official purpose.	12 months or hiring of taxis.	Tentative time line one year
37.	Daftri	1	0	Post filled up	Post filled up	Post filled up	Post filled up
38.	Chowkidar	17	0	Post filled up	Post filled up	Post filled up	Post filled up
39.	Peon	41	9	1 to 35 months	Matter of already engaged in kind officials under process	18 months /till decision on the matter.	Service Committee has approved filling up of Multi Task Worker on adopting the policy of other Govt. Departments/ Boards / Corporations in Govt. of H.P. Engagement will be made subject to fulfilment of terms and conditions of the policy adopted after due approval of the Govt. and only against the vacant post of Peon/ Laboratory Attendant (18 months).
40.	Laboratory Attendant	18	8	2 to 100 months	Matter of already engaged in kind officials under process	18 months /till decision on the matter.	
41.	Multi Task Worker	2	2	3 m onths	Newly created posts	06 months	Matter for adopting policy for engagement of Multi Task Worker is being initiated and adopting the policy & its approval from Govt. and engagement thereafter will take 06 months approx.
42.	Total	375	149				

Member Secretary,
HP State Pollution Control
Shimla

Remarks:

A requisition for 24 nos. of Group A&B posts were sent to the recruiting agency i.e. HP Public Service Commission and the Commission has recommended 11 nos. candidates and rest of the process is in progress. A requisition for 63 nos. of group C posts were sent to the recruiting agencies i.e. HP Staff Selection Commission/HP Ex-Service man Cell whereas recruitment process delayed due to abolition of HPSSC. A new recruitment Govt. agency i.e. HP State Chayan Aayog has been formed but the recruitment process is yet to be started by the new agency. It may take another 12-18 months to receive manpower through new recruitment agency.

B. Details of Laboratories w.r.t. Water (Prevention and Control of Pollution) Act, 1974.	
a) Total number of all types of laboratory setup by SPCB/PCC:	The State Board has set-up 6 Nos of laboratories i.e. 1 Central Laboratory (Parwanoo) and 5 Regional Laboratories (Shimla, Paonta Sahib Dharamshala, Una and Sundernagar) under Section 17(2) of the Water Act and Section 17(2) of the Air Act in the State.
b) Out of (a) above, how many laboratories are established as State Water Laboratory:	None.
c) Have all laboratories, as at (b) above, has been notified in the official Gazette:	None
d) Whether any State (or) Institute Laboratories, other than those set up by SPCB/PCC have been specified as State Water Laboratory. If yes, please provide the following: i. Number of such laboratory specified:	No. However proposal of notifying the State Board's one Laboratory as State Water Laboratory has been sent to the State Govt.

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ii. Number of such laboratory notified in the official Gazette:	
e) (i) Number of Laboratory planned for notification as State Water Laboratory: (ii) Time required for notification under Section 52 of Water Act (in months):	One Regional Laboratory at Shimla has been proposed for notifying as State Water Laboratory
C. Details of Laboratories w.r.t. Air (Prevention and Control of Pollution) Act, 1981.	
a) Out of B(a) above laboratory, how many laboratories are established as State Air Laboratory:	None.
b) Have all laboratories, as at (a) above, been notified in the official Gazette:	One Regional Laboratory at Shimla has been proposed for notifying as State Air Laboratory.
c) Whether any State (or) Institute Laboratories, other than those set up by SPCB/PCC have been specified as State Air Laboratory. If yes, please provide the following: i. Number of such laboratory specified: ii. Number of such laboratory notified in the official Gazette:	None. However proposal of notifying the State Board's one Laboratory as State Air Laboratory has been sent to the State Govt.
d) (i) Number of Laboratory planned for notification as State Air Laboratory: (ii) Time required for notification under Section 28 of Air Act (in months):	One Regional Laboratory at Shimla has been proposed for notifying as State Air Laboratory.
D. Information on laboratory recognized as "Environment Laboratory" under Environment (Protection) Act, 1986 (EPA 1986)	
a) Out of B(a) above laboratory, how many of them recognized as "Environment Laboratory" under EPA 1986?	So far none of the State Board's lab has obtained recognition as an Environmental lab under EPA, 1986. However, it is appraised that 2 No. of labs i.e Regional Lab Shimla & Regional Lab Paonta Sahib have acquired NABL accreditation and are in the process of obtaining recognition as Environmental labs under the EPA, 1986.
b) Number of laboratory planned for recognition under EPA 1986:	2 Laboratories i.e RL Shimla and RL Paonta Sahib
c) Time required for recognition under EPA 1986 (in months)?:	2 Years (24 months)

E. Details about sampling and monitoring under Schedule I of the EP Rules and prescribed under Consent to Operate	
a) Total number of parameters prescribed in the various CTO issued by SPCB/PCC:	General standards for discharge of environmental pollutants comprises of 39 parameters, as specified in schedule VI (Rule 3(34) of EP Rules, 1986 which are considered while issuing CTO to industries. The number of parameters depending on type of industry and their specific discharge.
b) Total number of parameters for which the laboratory, as at (a) above, have facility to monitor and analysis the parameter as at Schedule I:	All of the State Board's laboratories have adequate infrastructure/facilities for the analysis of industry-specific parameters. However, the State Board is also in the process of up-gradation of labs for the development of facilities for left-out parameters.
c) In case SPCB/PCC does not have its facility to sample & analysis all parameters as at (a) above:	Parameters which are presently analyzed by the State Board labs are enclosed at Annexure-R-1 .
(i) How much parameters (for which the SPCB / PCC do not have its laboratory facility to sample & analyze) are being monitored:	
(ii) Whether SPCB / PCC has plan to have its facility to sample & analyze all parameters? If yes, please give a timeline by which the same shall be commissioned. If not, reasons thereto.	Yes (3 years)

5. That with respect to point No. (F) i.e. Sources of Income and Expenditure, the breakup of income and expenditure generated during FY 2020-21 and 2021-22 clearly mentioning the following sources:-

F. Source of Income & Expenditure :			
S. No.	Source	Income Generated in Indian Rupees.	
		FY. 2020-21	FY. 2021-22
		Income	Expenditure
		Income	Expenditure

1&	Consent fee	21,62,82,	26917849.00	20,71,71,	217961071.0
2.	Authorizations Fee.	865.00		427.00	0
3.	Lab analysis charges	1,27,53,8 55.00		2,66,94,9 45.00	
4.	Bank interest earned	6,34,51,9 06.00		6,32,30,6 06.00	
5.	Environmental Compensation Fund of SPCB/PCC	95,22,25 5		75,87,76 3.00	
6.	Environmental Compensation Fund of CPCB.	0.00		0.00	
7.	Assistance from State Govt.	0.00		0.00	
8	Assistance from Central Govt. under Central Sector Schemes	1,00,00,0 00		21,00,00 0.00	
9	Others Sources, if any	3,06,80,9 53.00		1,72,39,5 62.00	
	Total	32,31,69, 579.00	269175849.0 0	31,43,36, 540.00	217961071.0 0

It is pertinent to submit here that income generated from the "Environmental Compensation Fund" at Sr. No.5 and 8 are not income of the Board, so it is not included in the total income of the State Board.

Reason for not utilising the collected amount fully:-


That the H.P. State Pollution Control Board is utilising approximately 75% of its income generated. It is submitted that the remaining 25% of income is needed as a buffer for

the future projects, infrastructure development/ maintenance costs, for salary of staff/ future staff to be recruited and higher pays as revised from time to time. Thus, it is submitted that HPPCB is already utilizing the maximum amount it can, while remaining a self sustaining organization.

6. It is humbly submitted that the office of the answering deponent is taking all necessary measures to strengthen the H.P. State Pollution Control Board and is committed to take action in furtherance of the remedial measures proposed by CPCB and the Hon'ble NGT, in the larger public interest.

I, the above named deponent, do hereby solemnly affirm that the submissions made above are true and correct to the best of my knowledge, based on records and I believe the same to be true.

Solemnly affirmed at Shimla, H.P. on.....day of July, 2024.

 **Deponent**
Member Secretary,
HP State Pollution Control
Shimla

ITEM NO.9

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COURT NO.6

ANNEXURE R-1/E 2257
SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: NUMBER OF VACANT POSTS IN STATUTORY POLLUTION CONTROL BOARDS OF VARIOUS STATES NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MS. ROOHE HINA DUA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, ADVOCATES)

Date : 10-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

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Mr. A.D.N. Rao, Sr. Adv. (Amicus Curiae)
Mr. Siddhartha Chowdhry, Adv. (Amicus Curiae)
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Mr. Aditya Bharat Manubarwala, Adv.

For the parties:

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Mr. Gurminder Singh, AG Punjab
Mr. Shadan Farasat, A.A.G.
Ms. Rooh-e-hina Dua, AOR
Mr. Ankit Khera, Adv.
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Anita Malhotra
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Petitioner-in-person

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- 46 -

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Mr. D.Kumanan, AOR

UPON hearing the counsel the Court made the following
O R D E R

State of Rajasthan

1. Pursuant to this Court's order dated 22nd April, 2024, the State of Rajasthan has filed a compliance affidavit which shows a sorry state of affairs. Out of the sanctioned posts of 808 on the establishment of the State Pollution Control Board, 395 posts are vacant. So practically, half of the posts are vacant. It is shocking to note that in paragraph 5(c), the affidavit of the State discloses that the process has been started for filling up of only 56 vacant posts. The State has given another excuse based on the order dated 11th March, 2024 passed by the Rajasthan High Court. The order relates only to the post of Junior Scientific Officer.

2. We direct the Chief Secretary of the State Government to file his personal affidavit laying down the time-bound schedule for filling in all 395 vacant posts. Such affidavit shall be filed within a period of three weeks from today.

State of Punjab-72-
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3. We have perused the affidavit filed on behalf of the State of Punjab which indicates that 314 posts, out of total 652 posts on the establishment of the State Pollution Control Board are vacant. It means about half of the posts are vacant. Paragraph 3 (B) of the affidavit gives the details of the process started for filling in few posts. The process has been started not even for half of the vacant posts. Unless the State Pollution Control Boards which are exercising very important statutory powers work with full strength, they will not be able to discharge their duties effectively which will have an adverse impact on the environment.

4. We, therefore, direct the Chief Secretary of the State Government to file an affidavit within three weeks from today setting out the time-bound schedule for filling in all the vacancies.

Government of National Capital Territory of Delhi

5. In the earlier part of this order, we have noted the scenario in the States of Rajasthan and Punjab. As far as vacancies in the State Pollution Control Board are concerned, the situation is worst in Delhi Government. Out of 344 sanctioned posts, as many as 233 posts are vacant. This is a sad state of affairs, that also in the capital city. Thus, the State Pollution Control Board is hardly functional, as it is working with the strength of only one third.

6. We direct the Chief Secretary of the State to file an affidavit giving the time-bound schedule for filling in all 233 posts within a period of three weeks from today. Instead of making an effort to regularly appoint the staff members, the Government seems to have adopted a short cut method of appointing contractual employees. This practice needs to be deprecated.

State of Haryana

7. From the oral submissions made by the learned counsel appearing for the State of Haryana, we find that the situation in Haryana is no better. Out of 483 sanctioned posts, 202 posts are vacant.

8. We direct the Chief Secretary of the State to file an affidavit setting out the time-bound schedule for filling in all vacant posts. The affidavit to be filed within three weeks from today.

State of Uttar Pradesh

9. Notwithstanding the order passed by this Court more than two months back on 22nd April, 2024, the State of Uttar Pradesh has not filed an affidavit.

10. We direct the Chief Secretary of the State of Uttar Pradesh to file an affidavit laying down the time-bound schedule for filling in all vacant posts on the establishment of the State Pollution Control Board. The affidavit shall be filed within a period of three weeks from today.

11. For considering the affidavits in terms of this order, list on 20th August, 2024.

12. As far as the issue of solid waste disposal in Delhi is concerned, the case is already ordered to be listed on 26th July, 2024.

IA No.176097 of 2018

13. Under the orders of this Court, for protecting the environment in Delhi, there is a restriction on the use of TSRs (two seater rickshaw using a two-stroke engine). In the present application made by M/s. Bajaj Auto Limited which is a manufacturer of autorickshaws, prayer (ii) is pressed which reads thus:

"ii. alternatively and/or additionally, declare that BS-VI compliant CNG-fuelled four-stroke autorickshaws shall not be subject of any cap previously ordered by the Court in the present case, and that the Govt. of Delhi may issue any number of fresh licenses/permits in relation to BS-VI compliant CNG-fuelled four-stroke autorickshaws to interested applicants, on such terms as the Govt. of Delhi may see fit; and"

14. This Court has active role to play in protecting the environment and for that purpose, the cap has been imposed. If there is a drastic change in circumstances and if in the interests of citizens of Delhi, the cap is required to be lifted, the application must come from

either Delhi Government or some body who represents the interests of a common man. The application for doing away with the cap cannot be entertained at the instance of the manufacturer of autorickshaws which is naturally interested in increasing his own profit.

15. Today, the learned counsel appearing for the Delhi Government states that considering the change in situation, the Delhi Government is opposing the application.

16. In any case, at the instance of the manufacturer of autorickshaws, the application cannot be entertained. If this Court starts entertaining the applications of the manufacturers of vehicles for relaxing the norms which are imposed for protecting the environment, it would send wrong signals.

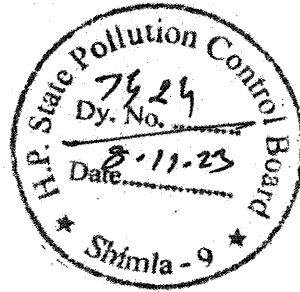
17. Hence, the application is rejected.

18. As the Writ Petition is already ordered to be listed on 15th July, 2024, EPCA Report No.99 shall also be listed on the same day.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

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To
 The Chairman
 HP State Pollution Control Board
 Him Parivesh, Below BCS, New Shimla.

Sub: Request for promotion to the post of Scientific Officer in the scale of Rs.56,100/- (Level 18).

Respected Sir,

With due respect, it is submitted that I am working as the Junior Scientific Officer at HP State Pollution Control Board, Head Office, Shimla, and has completed more than 5 years of service on the post of Junior Scientific Officer and is due for promotion as Scientific Officer since July, 2023. It is further to apprise you that I have rendered more than 13 years of service in the State Board and eligible for promotion to the post of Scientific Officer as per prevalent Recruitment and Promotion, Rules of the post of Scientific Officer, which stipulate minimum service requirement of 5 years on the substantive post of Jr. Scientific Officer. Therefore, it is humbly submitted that I may kindly be promoted as Scientific Officer in the scale of Rs.56,100/-(Level 18) so as to ease stagnation in my career growth.

Thanking You.

With Regards

Varsha
 06/11/2023

**Varsha Chauhan
 Jr. Scientific Officer
 Scientific Wing, Head Office, Shimla**

Examine

Ms

06/11/2023

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clerk-2

ANNEXURE - R/G**Ramakant Awasthi Vs. HPSPCB and others****CWP No. 2266 of 2019**

31.12.2024 Present: Mr. Sanjeev Bhushan, Sr. Advocate with Mr. Sparsh Bhushan, Advocate, for the petitioner.

Mr. T.S. Chauhan, Sr. Advocate with Mr. Maan Singh, Advocate, for respondents No. 1 and 2

Mr. Dilip Sharma, Sr. Advocate with Mr. Manish Sharma, Advocate, for respondent No.3.

CMP No. 15736 of 2024

Reply be filed by the non-applicants within four weeks. List during third week of March, 2025.

Jyotsna Rewal Dua
Judge

December 31, 2024
(R. Atal)