

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; 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.

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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 22<sup>nd</sup> 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 11<sup>th</sup> 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

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 22<sup>nd</sup> 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 20<sup>th</sup> 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 26<sup>th</sup> 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 15<sup>th</sup> July, 2024, EPCA Report No.99 shall also be listed on the same day.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER