

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

Original Application No. 562/2023
(I.A. No. 716/2023)

Varun Gulati

Applicant

Versus

Environment, Forest and Climate Change
Department, Govt. of UP & Ors.

Respondent(s)

Date of hearing: 22.11.2024

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

Applicant: Mr. S.A. Zaidi, Ms. Mansi Chahal & Mr. Kapil Sagar, Advs.

Respondent: Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat & Ms.
Gargi Chaturvedi, Advs. for the State of UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

ORDER

1. In this original application, the issue relating to unfilled posts in the Uttar Pradesh Pollution Control Board (UPPCB) has been raised.
2. It has been pointed out that the same issue is pending before the Hon'ble Supreme Court in Writ Petition (Civil) No. 13029/1985 in the matter of *M.C. Mehta v. Union of India & Ors.*, wherein the Hon'ble Supreme Court on 27.08.2024 has passed the following order:

“xxxxxx.....xxx
Today, the situation is that due to a large number of vacant posts in the State Pollution Control Boards, the said Boards have become ineffective for all purposes. Now, the question is what steps the Commission proposes to take. The issue is of a very urgent nature as the State Pollution Control Boards, who have more than sufficient powers to take steps for controlling pollution, are virtually defunct. We, therefore, direct the Chairperson of the Commission to remain present through video conference on the next date and explain to us what steps the Commission proposes to take. Our attention is also invited to clause (c) of sub-Section (6) of Section 12 of the 2021 Act. The Chairperson of the Commission will have to address the Court on this aspect also.

We make it clear that all States have to endeavour to fill in the important posts urgently. Under no circumstances, we are going to grant them time for filling in all the vacancies beyond 30th April, 2025.

The States of Rajasthan, Punjab, NCT of Delhi, Uttar Pradesh and Haryana will address the issue of filling in substantial vacancies in the State Pollution Control Boards on urgent basis and the outer limit therefor. These States will endeavour to fill in the vacant posts, which are required to be filled in by directing recruitment, within a period of two months from today. However, a specific statement shall be made by these States on the next date.

It will be open for the Chairperson of the Commission to file an affidavit indicating the steps which the Commission proposes to take in terms of the provisions of the 2021 Act.

List on 2nd September, 2024.”

3. Learned Counsel for the State of UP has pointed out that the matter is listed before the Hon’ble Supreme Court today.
4. In view of the above, the OA is adjourned.
5. List on 17.03.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 22, 2024
Original Application No. 562/2023
(I.A. No. 716/2023)
dv..