

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

Original Application No. 318 of 2013

And

**Review Application No. 36 of 2016
(M.A. No. 1450 of 2016 & 04 of 2017)**

In

Original Application No. 318 of 2013

Rajendra Singh Bhandari Vs. State of U.K. & Ors.

And

Rajendra Singh Bhandari Vs. State of Uttarakhand & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

Present:

Applicant:

**Mr. Anirudh Joshi Adv. for Applicant in Original
Application No. No. 318/2013**

Respondents:

**Mr. Rajesh Kumar Das Adv. for UT of Lakshadweep
Administration.**

Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh.

**Mr. Mukesh Verma and Mr. Bikash Kr. Sinha,
Adv.**

**Mr. Raja Chatterjee, Adv. alongwith Ms. Chanchal
Kumar Ganguli. ADR, for State of West Bengal.**

**Mrs. D. Bharathi Reddy, Adv. for State of
Uttarakhand.**

**Mr. Amit Agarwal, Adv. for West Bengal Pollution
Control Board.**

**Ms. Alpana Poddar, Adv. for Central Pollution Control
Board .**

**Mrs. Divya Prakash Pandey, Adv. for Ministry of
Environment, Forest and Climate Change .**

**Mr. Guntur Pramod Kumar, Adv. alongwith
Mr. Prashant Mathur, Adv. for State of AP.**

**Mr. Aruna Mathur, Standing counsel alongwith Mr.
Avneesh Arputham, Mr. Anuradha Arputham, and Mr.
Amit Aroa Adv. for State of Sikkim.**

**Mr. Gopal Singh, Adv., Ms. Varsha Poddar, Adv. for
State of Tripura.**

**Ms. Seema Sharma, DAG State of Himachal Pradesh
alongwith Mr. D.K. Thakur, AAG, State of Himachal
Pradesh.**

**Mr. Shubham Bhalla, Adv. and Mr. Vidushi Khatari,
Adv. for Chandigarh Environment Department.**

Mr. Rajul Shrivastan, Adv. for MPPCB.

**Mr. Pinaki Misra, Sr. Adv. alongwith Mr. Mukesh
Verma Mr. Bikash Kumar Sinha for Govt. of
Maharashtra.**

Mr. Arajita Mukherjee, Adv. for State of Meghalaya.

**Mr. Upama Bhattacharjee and Keith Verghese for
Adv. Mr. Sanjay Upadhyay, for State of Rajasthan.**

**Mr. Jogy Scaria, Adv. for Kerla State
Pollution Control Board**

Mr. Nishe Rajen Shonker, Adv. for State of Kerala

**Mr. Sarthak Chaturvedi and Mr. Subham
Jaiswal, Adv. for Andaman and Nicobar Island**

**Mr. Gautam Singh, Adv. and Mr. Rudreshwar
Singh, Adv. for State of Bihar and BSPCB**

**Mr. V.K. Shukla and Ms. Vijay Lakshmi, Adv.
for State of MP.**

**Mr. Pradeep Misra & Mr. Daleep Dhyani Adv. for
UPPCB.**

Ms. Sunita Sharma, Adv. for State of Punjab.

Mr. Sapam Biswajit Meitei, Adv. alongwith

**Mr. Naresh Kumar Gaur for State of Manipur &
Manipur Pollution Control Board.**

**Mr. Edward Belho, Adv. alongwith Mr. K. Luikang
Michael and Ms. Elix Gangmei Adv. for State of
Nagaland.**

**Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv.
for State of Haryana**

**Mr. P. Venkat Reddy alongwith Mr. Prashant Kumar
Tyagi, Adv. for State of Telengana.**

Mr. Narender Pal Singh, Adv. alongwith Mr. Dinesh Jindal, LO for Delhi Pollution Control Committee GNCTD
 Mr. Ajay Marwah, Adv. for Himachal Pradesh Pollution Control Board.
 Mr. R. Rakesh Sharma, Adv. for State of Tamil, TNPCB.
 Ms. Priyanka Sinha, Adv. for State of Jharkhand.
 Mr. Devraj Ashok for State of Karnataka.
 Mr. Aniruddh Joshi, Adv. for Respondent No.1 in Original Application No. 318/13.

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 09 & 10</p> <p>May 30, 2017</p> <p>ss</p>	<p>We most regretfully note that under the Judgment three months' time was granted to various Pollution Boards to make appointment of its Chairmen and Member Secretaries in compliance of it. But none of the Board have taken effective steps, much less to say, made appointments in accordance with the Judgment/Rules. The period of three months had elapsed in November 2016 and further period of 6 months has already gone by, but no results have come, as of now. We do not expect the State Government not to take action on the orders of the Tribunal and to flout the directions issued by it, particularly in relation to posts of such sensitivity and responsibility, as the entire environmental status of the State would depend on the functioning of the State Pollution Control Board, wherein the Chairman and Member Secretary are the head of the organization. The concept of ad-hocism has been criticized in the judgment at great length and only qualified person with fixed tenure are required to be appointed. This has not been done despite grant of time and opportunities repeatedly. It has been brought to our Notice that some of the States have approached the Hon'ble Supreme Court of India. However, no Stay has been granted by the Hon'ble Court.</p> <p>We hereby issue show cause notice to all the</p>

<p>Item No. 09 & 10</p> <p>May 30, 2017</p> <p>ss</p>	<p>Chairmen of the respective Boards who have not been appointed in consonance with the Judgment of the Tribunal and or the rules having been framed in the terms thereof. They shall show cause as to why they should not be asked to cease functioning as Chairman of the respective Boards. Notices be also issued to the Chief Secretaries of the States.</p> <p>The Learned counsels appearing for their respective Boards shall file reply within one week from today. List these matters, for hearing on this question, on 07th June, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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