

3134

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION NO. 693 of 2023

Petitioner : Suo Motu

Versus

Respondent(s) : The State of Kerala

**AFFIDAVIT SUBMITTED BY THE MEMBER SECRETARY ON
BEHALF OF KERALA STATE POLLUTION CONTROL BOARD**

Adv. Jogy Scaria.

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:

3135

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Dated this the 1st day of January, 2025

Jogy Scaria, Advocate

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH), NEW DELHI

OA 693 OF 2023

AFFIDAVIT SUBMITTED BY THE MEMBER SECRETARY,
KERALA STATE POLLUTION CONTROL BOARD

I, Dr. Sheela A.M. aged 55 years, wife of Dr. Justus J., residing at Thycaud, Thiruvananthapuram, working as Member Secretary, Kerala State Pollution Control Board, Head Office, Thiruvananthapuram, do hereby solemnly affirm and state as follows:

1. I am the present Member Secretary, Kerala State Pollution Control Board (hereinafter referred to as **Board**), Thiruvananthapuram. I am aware of the facts affirmed by me in this Affidavit. I am swearing this report based on the best of my knowledge, information and belief and the facts revealed from the records.

2. It is respectfully submitted that the above OA is registered in *Suo motu* exercise of power on the basis of the News Item titled "**Pollution Control Boards are the weak link**" appeared in Deccan Herald on October 24, 2023. The Hon'ble NGT in the Order dated 11.09.2024 directed all States/Union Territories to file an affidavit indicating compliance of the Order before the Central Pollution Control Board atleast one week before the next date of hearing scheduled on 09.01.2025.

3. It is respectfully submitted that in view of this, CPCB vide Letter No. CM-13011/174/2023-LAW-HO dated 23.09.2024 directed all the SPCBs/ PCCs to submit before CPCB on or before January 01, 2025, a progress report in the

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form of an affidavit indicating compliance of the following major points of the Order dated 11.09.2024:

“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 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.”

4. It is respectfully submitted that in compliance with the above Order and CPCB letter dated 23.09.2024 the following information are being furnished:

Regarding vacancies prevailing in the Board, all possible efforts are taken to fill up the vacant posts. The status of filling up of vacancies is produced herewith and marked as **Annexure 1**. 19 posts are currently lying vacant in the Board out of which, 4 are Technical, 11 are scientific posts and 4 are Administrative posts. In Technical category, 4 number of posts are lying vacant in the cadre of Assistant Engineer which are reported to Kerala Public Service Commission and is awaiting PSC appointment within 3 months. In Scientific category, 2 promotion posts are lying vacant in the cadre of Environmental Scientist and 9 promotion posts are lying vacant in the cadre of Assistant Environmental Scientist due to lack of promotees in the lower post. Government have been addressed for granting permission for filling both these posts through

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deputation. Regarding Administrative Post, 1 promotion post is also lying vacant in the cadre of Computer assistant (LD Typist) due to lack of promotees in the lower post. 3 Watcher posts are vacant and is filled through direct recruitment by the Board by outsourcing through a security agency.

Regarding laboratory infrastructure, all the laboratories of the Board are equipped with adequate infrastructure and is fully functional. List of instruments and equipment available in various offices of the Board is produced herewith and marked as **Annexure 2**.

Regarding the number of laboratories, the Board is having adequate number of laboratories for its functioning. Board is having Central Laboratory having NABL and EPA Accreditation, at Ernakulam. Regional laboratory is functioning at Kozhikode and all other districts are equipped with District laboratories. Laboratory is also attached to Environmental Surveillance Center which is functioning in Eloor, Ernakulam round the clock for continuous monitoring of the industries in the area.

5. All the facts stated above are true to the best of my knowledge, information and belief. What is stated in the above paragraphs are true to my knowledge and what is stated in those paragraphs are on information and belief derived from records and I believe the same to be true.

Dated this the 1st day of January, 2025.

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Dated this the 1st day of January, 2025

Jogy Scaria, Advocate

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT:

Annexure 1

Status of filling up vacancies in the Board

Category	Sanctioned	Working	Vacancy
Technical Posts (Eng. & Science)	229	214	15
Administrative Posts	195	191	4
Total	424+8*(Supernumerary)	405	19

Sl. No.	Sanctioned Post	No. of Sanctioned Post	No. of Vacant Post	Duration since when vacant	Reason for not filling the vacant posts	Time line for filling the vacancy	List of activities to be carried out for filling the vacancy
1.	Chairperson	1	-				
2.	Member Secretary	1	-				
Technical Section							
3.	Chief Environmental Engineer	4	-	-	-	-	
4.	Senior Environmental Engineer	4	-	-	-	-	
5.	Environmental Engineer	20	-	-	-	-	
6.	Assistant Environmental Engineer	25 (13 post were downgraded to Assistant Engineer post, 12(10+2* staff deputed for	0				

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		M Tech)					
7.	Assistant Engineer	83+13	4 vacant	1 month	Awaiting PSC appointments	3 months	Reported to KPSC
Scientific Section							
8.	Chief Environmental Scientist	1	-				
9.	Senior Environmental Scientist	1	-				
10	Environmental Scientist	3	2 vacant	30.06.2022, 31.03.2024	Promotion post (due to lack of promotees in the lower post)	Government has been addressed for granting permission for filling the vacancy through deputati on	Government has been addressed for granting permission for filling the vacancy through deputati on
11	Assistant Environmental Scientist	11	9 vacant	24.06.2021	Promotion post (due to lack of promotees in the lower post)	Government has been addressed for granting permission for filling the vacancy through deputati on	Government has been addressed for granting permission for filling the vacancy through deputati on
12	Assistant Scientist	23	-				
13	Senior Scientific Assistant	15* (*Senior Scientific Assistant	-				

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		post downgrade d to Junior Scientific Assistant post)					
14	Junior Scientific Assistant	30+15* (*15 Senior Scientific Assistant post downgrade d to Junior Scientific Assistant post)	-	-			
15	Lab Attender	7	-				
Administration Section							
16	Administrati ve officer	1	-				
17	Accounts Officer	1	-				
18	Assistant Administrati ve Officer	1	-				
19	Assistant Accounts Officer	1	-				
20	Senior Superintende nt	3	-				
21	Assistant	65+5* (*Supernu merary)	-				
22	Faircopy Superintende nt	1	-				
23	Confidential Assistant	4	-				
24	Computer Assistant (Typist)	31	1	7 month	Post was promotion post (due to		Post was promotion post (due

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					lack of promotees in the lower post)		to lack of promotees in the lower post)
25	Record Keeper	1	-				
26	Driver Cum Office Attendant	27	-				
27	Office Attender	7	-				
28	Office Attendant	29+3*(Supernumerary)	-				
29	Watcher	4	3		Direct recruitment by the Board and is outsourced through security agency	Outsourcing through security agency	Outsourcing through security agency
30	Part time Sweeper	19	-				

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LIST OF INSTRUMENTS AND EQUIPMENTS AVAILABLE IN VARIOUS OFFICES OF KERALA STATE PCB AS ON 27.12.2024

Sl No	Instrument name	Central Lab	Kasaragod	Kannur	Malapuram	Wayanad	Kozhikode	Palakkad	Thrissur	Perumbavoor	ESC, Eloor	Kottayam	Idukki	Alapuzha	Pathanamthitta	Kollam	Thiruvananthapuram	
1	Atomic Absorption Spectrometer	x	x	x	x	x	√	√	x	x	x	x	x	x	x	x	x	
2	Acid dispenser	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
3	Analytical balance (5 Digit)	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
4	Autoclave	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
5	Bacteriological incubator	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
6	Biosafety cabinet	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
7	Bod incubator	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
8	Bomb calorimeter	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
9	Bunsen burner	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
10	Calibrators	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
11	Centrifuge	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
12	Continuous Flow Analyser	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
13	COD digester	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
14	Colony counter	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
15	Conductivity meter	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	
16	Cold room for sample preservation	√	x	√	x	√	√	√	√	√	√	√	√	√	√	√	√	*
17	Deep freezer -80 °C	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
18	Deep freezer -20 °C	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
19	Deep depth sampler/Grab sampler	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
20	Elisa Reader	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
21	Filtration apparatus	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
22	Flame photometer	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
23	Flash point apparatus	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
24	Fume hood	√	x	√	x	√	√	√	√	x	x	√	x	√	x	√	√	√
25	Fumigator	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
26	Gas Chromatograph ECD	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
27	Gas Chromatograph FID	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
28	Gas Chromatograph Mass Spectrometer	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
29	Gel documentation system	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
30	Hot air oven	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
31	Hot plate	√	√	√	x	√	√	√	√	√	√	√	√	x	√	√	√	√
32	High Performance Liquid Chromatograph	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
33	Humidity chamber	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
34	Humidity temperature recorder	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
35	ICPOES	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
36	Laminar air flow	√	√	√	√	√	√	√	√	√	*	√	√	√	√	√	√	*
37	LCMSMS	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
38	Magnetic stirrer	√	x	√	x	x	√	x	√	x	√	√	√					*

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39	Microbalance	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	x
40	Micro wave digestion system	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
41	Muffle furnace	√	√	√	√	√	√	√	√	√	*	√	√	√	√	√	√	*
42	PCR	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
43	pH meter	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	*
44	PM 10 machine	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	*
45	PM 2.5 Machine	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	*
46	Portable water quality monitor	√	√	√	√	√	√	*	√	√	√	√	√	√	√	√	*	*
47	Portable weather station	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
48	Refrigerator	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	*
49	Rotary evaporator	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
50	Shaking incubator	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
51	Sound level meter	x	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	*
52	Specific ion meter for Fluoride /Cyanide	√	x	x	x	x	x	x	√	x	√	√	x	√	√	√	√	√
53	Spectrophotometer- Visible	x	x	x	x	x	x	x	x	x	√	√	x	√	x	x	√	√
54	Spectrophotometer- UV Visible	√	√	√	√	√	√	√	√	√	√	*	√	x	√	√	√	*
55	Stack monitoring kit	x	x	√	x	x	x	x	√	√	√	x	√	x	√	√	√	√
56	TCLP Extractor	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
57	TKN digestion cum distillation unit	√	x	√	√	√	√	√	√	√	√	√	√	√	√	x	√	√
58	TOC analyser	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
59	Top loading electronic balance	√	√	x	x	√	√	√	√	√	√	x	x	x	√	x	x	x
60	Toxic gas analyser	x	x	x	x	x	√	x	√	√	√	x	x	√	√	√	√	√
61	Turbidity meter	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	*
62	Ultrasound cleaner	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
63	VOC sampler	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
64	Vortex mixer	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
65	Water bath	√	√	√	x	√	√	√	√	√	*	√	√	√	√	√	√	*
66	Water distillation unit	x	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
67	Water purification system Type II	√	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

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