

and 2013. However, nothing appears to move the concerned Authority in relation to this important environmental problem.

Learned counsel appearing for Railways submit that a meeting was conducted under the Chairmanship of the Additional Member of Tourism and Catering of Railway Board and has placed before us minutes of the said meeting. It has been stated in this minutes that the representative of CPCB was not present.

However, Learned counsel appearing for CPCB submits that the Board had written a letter dated 22nd September, 2014 to the Railway to hold a meeting at the earliest. However, in response to the said letter no intimation was given to CPCB to attend the meeting and that is why they were not aware of the meeting and could not attend the meeting.

From the minutes placed before us, it is clear that there is no proper recommendation worthy consideration by the Tribunal. It suggests no appropriate measures which need to be taken and does not notice the measures if any, taken by the Railway Board or other Authorities.

The intent of the previous Order was clear that the Committee should consider the ways and means to tackle the problem of human evacuation and waste dumping along the tracks by the population particularly the lower strata of the society. We are pained to observe that the Committee has failed to even suggest measures that may be required to be taken by the common person much less by a technical expert body like the Committee constituted

by our Order dated 15th September, 2014.

We are oblivious of the limitation to such serious environmental issue that needs to be attended by the Authority concerned with utmost sincerity, urgency and objectivity. We are entirely dissatisfied from the minutes placed before us. We direct the Chairman of the Railway Board to conduct a meeting of the Members who were present in the meeting dated 20th October, 2014 and comply with Orders of the Tribunal dated 15th September, 2014 and this Order without delay and default.

We further direct that this meeting shall be held on 03rd November, 2014 at 11.00 AM in the office of the Chairman of the Railway Board. The meeting shall be attended positively by all the Experts in the Committee constituted by the Tribunal. The Member Secretary of CPCB shall ensure that he is present in that meeting.

The Committee shall consider positively all steps that are required to be taken to resolve this menace and serious environmental issue. The MoEF shall also consider issuance of appropriate directions in terms thereof in exercise of its power vested under Section 3 and 5 of Environment (Protection) Act, 1986 and Rules framed thereunder.

Let these recommendations along with steps that are taken by the Authorities concerned be placed before the Tribunal positively on the next date of hearing.

Learned counsel appearing for Railway submits that he has received instructions to the effect that RITES should be represented independently as they are not part

of the Railways and they have a separate counsel.

Let Notice be issued by the Registry to the CMD of RITES to comply with our Order in relation to participation in the meeting. Let the Notice be issued without process fee. In the event of default, we would be compelled to pass Order as permissible in law against the CMD itself.

List this matter on 17th November, 2014.

M.A. No. 700 of 2014

Heard the Learned counsel appearing for the parties.

Without prejudice to the rights and contentions of the non-Applicants, averments made in the Application or annexure thereto will not be taken to be admitted by the parties. The Applicant is allowed to intervene. He shall be heard at the time of final arguments.

With the above directions, M.A. No. 700 of 2014 stands disposed of.

.....,CP
(Swatanter Kumar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)