

Present: Mr. B.S.Bhalla, Advocate
for the petitioner.

Ms.Madhu Dayal, Addl. AG, Punjab.

Mr. Salil Sabhlok, Advocate for
Mr.D.S.Patwalia, Advocate
for respondents No. 5 and 6.

Mr.A.R. Takkar, Advocate

Mr.Onkar Singh Batalvi, Advocate

Mr.T.P.Singh, Advocate

Mr. Arun Walia, Advocate

CM Nos. 10115 of 2010

CM allowed. Reply filed on behalf of Union of India taken on
record.

CWP No. 14933 of 2007

We are really disturbed by the affidavit filed on behalf of
Ministry of Environment & Forests, Government of India in terms of order
dated 20.5.2010. Para 3 of the said affidavit makes very interesting reading
which is as follows:-

“In this regard, it is submitted that the Ministry had
commissioned a study on 'Evaluation of Central Pollution
Control Board(CPCB) to IIM-Lucknow on 9th April, 2009.The
IIM-Lucknow submitted its Report in March, 2010. The Report
inter alia estimated that additional 550 posts are required at the
Head Office and various Zonal Offices of CPCB to achieve the
key objectives i.e. prevention and control of pollution,
hazardous chemical and waste management and public
participation etc. That while the Ministry has accepted the

the CPCB to provide information on activities to be performed by the proposed additional staff with due justification. The manpower augmentation is on-going process for strengthening CPCB to effectively implement its mandate, therefore, at this stage it may not be possible to provide any time frame for recruitment of the staff.”

A bare perusal of the aforementioned para demonstrates that the instructions given to the Additional Director are obviously given by someone from the Ministry who had not read the report of the IIM, Lucknow. Pages 188 to 198 of the said report clearly provide complete details of the deployment and justification for the additional staff. In fact the Ministry itself had commissioned this report which the Secretary accepted in principle. Therefore, there appears to be a huge gap in the acceptance of the report and its implementation and, accordingly, we are of the view that the Secretary of the Ministry of Environment is required to file an affidavit in terms of order dated 20.5.23010 not later than exactly 10 days from today. We are hopeful that on this occasion the report will be perused and a more meaningful response is given. We hope and trust that such affidavits which tend to obfuscate the important issues arising in this petition are not filed in future. We are also perturbed by the Ministry in not providing any time frame as directed by this Court.

Mr.T.P.Singh has submitted that the necessary guidelines to be issued by the CPCB for storage of rice husk have been finalised and shall be submitted to the Ministry of Environment by 31.08.2010 for the purpose of notification. The said Ministry shall go through the said guidelines as early

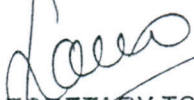
List again on 27.08.2010.

A copy of this order be given dasti to Mr. Batalvi under the
signatures of the Bench Secretary.

Sd/-
(Mukul Mudgal)
Chief Justice

Sd/-
(Ajay Tewari)
Judge

A Heed



SPECIAL SECRETARY TO
HON'BLE CHIEF JUSTICE
PB. & HRY. HIGH COURT
GRANDGARH

August 16, 2010
sunita



PUNJAB & HARYANA HIGH COURT