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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 47/2020 & CM APPL. 1194/2021
APARNA BHAT Petitioner

Through: Mr. Pukhrambam Ramesh Kumar and
Ms Karishma Maria, Advocates.

versus

SAKSHI SINGH & ORS Respondents

Through: Mr N. Hariharan, Senior Advocate
(*Amicus Curiae*).

Mr. Shadan Farasat, ASC with Mr.
Shourya Dasgupta, Adv. with Insp.
Mr. Vikramjeet Singh Virk with SI.
Brajesh Redju, P.S. Inderpuri.

Mr. Gautam Narayan, ASC for
GNCTD with Mr. Aditya Nair,
Advocate for Forest Department.

Ms. Prabhsahay Kaur, SC with Ms.
Laavanya Kaushik, Adv. for DDA.

Mr. Harshvardhan Jha and Mr. Aman
Pathak, Adv. for R-2 to R-4.

Mr M.A. Niyazi, Court
Commissioner.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **05.05.2022**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. Mr Gautam Narayan, the learned ASC informs the court that in its endeavour to create a reckonable team of officers at various levels to protect the forests and green-cover in Delhi, the GNCTD has undertaken an initiative last year under which eleven Wildlife Guards have been deployed and they are working in the field; four Forest

Rangers have been selected and they are undergoing training at Orissa Forest Ranger College, Angul, Orissa.

2. There is no disagreement of the fact that this exercise ought to have been completed by almost a decade and a half ago; the delay has possibly led to wanton tree-falling in the city, which loss could, have been avoided had there been sufficient number of officers in the Forest Department and/or under its deployment and/or were available for providing assistance to the Tree Officers under the Delhi Preservation of Trees Act, 1994.
3. The recruitment status of personnel and officers into the Forest Department is reflected in the chart handed over by Mr. Narayan in the court. It is reproduced hereunder:

“...Recruitment Process of various positions in the Department

- Recruitment Notice dated 27.12.2019 was issued for the following positions:

Wildlife Guard – 11 vacancies

Forest Ranger – 4 vacancies

Forest Guard – 211 vacancies

Wildlife Guard

- An online test was conducted for the post of Wildlife Guard and thereafter the result notice was issued on 04.09.2022.

- Thereafter the selected Wildlife Guards were given offer letters on 27.10.2020.

- The 11 selected Wildlife Guards were deployed to various Divisions and HQ of the Department as follows:

4 – North Division

2- West Division

3- South Division

2 – Wildlife HQ

Forest Ranger

- An online test was conducted for the post of Forest Ranger on 16.03.2020 and result of the same was announced on 04.09.2020.

- Thereafter a Physical Standard Test was conducted for the shortlisted candidates on 12.10.2020.
- Based on the performance in online test and the Physical Standard Test, 4 candidates were selected on 11.01.2021.
- Owing to the second wave of COVID-19, the selected candidates could be sent to Orrisa Forest Ranger College, Angul, Orrisa for mandatory induction training of 18 months only from 04.10.2021 onwards.
- Upon conclusion of the training, the Forest Rangers will join the Department from April 2023 onwards.

Forest Guard

- An online test was conducted for the post of Forest Guard and result of the same announce on 25.03.2022.
- 253 candidates have been shortlisted based on their performance in the online test.
- The shortlisted candidates have to undergo a Physical Standard Test which is scheduled on 9-13th May 2022.
- After the Physical Standard Test, medical tests would be conducted and documents would be verified. Thereafter the selected candidates will have to undergo training for a period of 9 months.
- It will therefore take approximately 1 year for the selected Forest Guards to join the Department...”

4. Albeit delayed, the exercise now initiated, is a welcome step.
5. However, as can be seen from the training timelines, by the time the force of Forest Officers is actually deployed in the field, it would take another year or so, by which time much more damage would have been done to the trees and environment of Delhi. Residents of Delhi cannot wait the deployment of the requisite forest department personnel, at the cost of losing their valuable tree cover.
6. In the circumstances, as noted in this court’s order dated 19.09.2019 in CONT.CAS (C) No.846/2018, requisite protective force should be made available to the Forest Department as well as to the Tree Officers.

The Tree Officer needs to be assured of his safety and security. The order dated 19.09.2019, *inter alia*, reads as under:-

“...Mr. Rahul Mehra, the learned Standing Counsel for GNCTD, submits that the delay in compliance of the orders as noticed hereinabove and in earlier orders is stated to be because of the shortage of the requisite staff. Nevertheless, he assures the Court that efforts are underway to fill the Departmental vacancies on an urgent basis. Be that as it may, the Principal Secretary concerned, GNCTD, shall ensure that there is no impediment of any sort, on account of shortage of staff in the implementation of this Court's orders...”

7. In the circumstances, the Government of NCT of Delhi is directed to place before the court the measures taken by it for securing its Tree Officers in the discharge of their duties.
8. Furthermore, the Government of NCT of Delhi will, for the interim, appoint other officers, subordinate-staff and personnel under s.6 of the Delhi Preservation of Trees Act, 1994, on an urgent basis, to support the Tree Officers, lest the Delhi's environment, which is almost always on the precipice suffer irreparably and resultantly causes much prejudice to the health of its residents.
9. Within three weeks, the GNCTD shall also put at the disposal of the Tree Officers sufficient number of all motor vehicles for a Quick Reaction Team. The learned counsel say that all-terrain vehicles would be best-suited for forest areas.
10. Renotify on 13.05.2022.

NAJMI WAZIRI, J

MAY 5, 2022/rd/dss