

ITEM NO.11 Court 3 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 1235/2017

NGT BAR ASSOCIATION (WESTERN ZONE) Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No. 67281/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 60621/2020 - CLARIFICATION/DIRECTION
IA No. 160621/2019 - CLARIFICATION/DIRECTION
IA No. 119263/2018 - CLARIFICATION/DIRECTION
IA No. 139755/2017 - EX-PARTE STAY)

Date : 23-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr. Raj Panjwani, Sr. Adv.
Mr. Saurabh Kulkarni, Adv.
Ms. Priyashree, Adv.
Mr. Kush Chaturvedi, AOR

For Respondent(s)

Mr. Santosh Krishnan, AOR
Mr. Sonam Anand, Adv.

Mr. Tushar Mehta, Learned S.G.
Mr. N. Venkatraman, ASG
Mr. Gurmeet Singh Makker, AOR
Ms. Shradha Deshmukh, Adv.
Ms. Seema Bengani, Adv.
Mr. Abhishekh Atrey, Adv.

Mr. Anando Mukherjee, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties.

It is not in dispute that, as of today, there are about 14 vacancies (seven judicial members and seven technical members).

The Tribunal is presently functioning with the strength of only seven judges (one chairman, three judicial members and three technical members) despite the mandate of the Act to ensure that the minimum number of members shall not be less than 10 (ten). This is an appalling situation concerning the premier institution such as National Green Tribunal, which is required to deal with environmental issues. That cannot be countenanced.

We are conscious of the response filed by the Union of India in which assurance has been given that notification for filling up nine vacancies is being issued by the end of July, 2020. That, in our opinion, is not enough.

We deem it appropriate to direct the Union of India to notify all the existing vacancies at one go (of seven judicial members and seven technical members), including the anticipated vacancies likely to take place in the next six months.

That notification be issued not later than 10 days from today and whereafter the process for selection/appointment be expedited.

Until the proposed selection process culminates with appointment order(s) of the concerned candidates against the existing vacancies, the members presently in office as on this date but are likely to retire shortly, shall continue to hold office in terms of this order and discharge their functions accordingly.

List this matter on 13.08.2020 for reporting compliance and directions, if any.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)