

ITEM NO.14+21

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTO CONTEMPT PETITION(CIVIL) No(s). 1/2025

IN RE : FILLING OF VACANT POSTS
IN THE STATE POLLUTION CONTROL
BOARDS AND POLLUTION CONTROL COMMITTEES

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WITH

W.P.(C) No(s). 13029/1985

Date : 17-09-2025 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

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

1. This matter is listed today before us so as to enable the State Governments to report compliance to the various directions issued by this Court regarding the filling up of vacant posts in the State Pollution Control Boards. We will examine the position with regard to compliance in respect of each of the States as under.
2. Insofar as the State of Haryana is concerned, an affidavit has been filed by one Mr. Anurag Rastogi, Chief Secretary of the State of Haryana dated 12.09.2025.
3. In the said affidavit, it is stated that as on 27.08.2024, there were 173 vacant posts. However, owing to the efforts of the State Government and the Haryana State Pollution Control Board, the vacancy has been reduced to 44. It is further submitted that the process for filling up the remaining vacancies has already been initiated by requesting the Haryana State Public Service Commission to take necessary

steps.

4. Ms. Aparajita Singh, learned Amicus Curiae, however, submits that the time of the year where pollution levels peak will commence shortly and in the absence of the requisite manpower, the adverse impact of pollution may not be effectively controlled.

5. In the affidavit, the State of Haryana has also stated that a circular is being issued for filling up the vacant posts on deputation by relaxing the eligibility criteria.

6. We direct the State of Haryana to fill up the remaining direct recruitment posts (except the promotional posts) within a period of three months from today and that at least for a period of next three months, the vacant posts shall be filled either by deputation or by engaging employees on a contractual basis so that the issues relating to pollution may be effectively addressed.

7. Insofar as the promotional posts are concerned, the entire procedure shall be completed within a period of six months from today.

8. A copy of this order shall be communicated to the Haryana State Public Service Commission to ensure compliance with the time-lines.

9. Insofar as the State of Punjab is concerned, Shri Rahul Mehra, learned senior counsel appearing for the State of

Punjab, submits that though there were initially 300 vacant posts, the number has now been reduced to 43. He further submits that the process for filling up the remaining posts is also under process.

10. We direct the State of Punjab to fill up the remaining direct recruitment posts (except the promotional posts) within a period of three months from today and that at least for a period of next three months, the vacant posts shall be filled either by deputation or by engaging employees on a contractual basis so that the issues relating to pollution may be effectively addressed.

11. Insofar as the promotional posts are concerned, the entire procedure shall be completed within a period of six months from today.

12. Insofar as the State of Uttar Pradesh is concerned, Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the State of Uttar Pradesh states that though there were 732 vacant posts, the number has now been reduced to 166. She further submits that the process for filling up the remaining posts has already commenced.

13. We direct the State of Uttar Pradesh to fill up the remaining direct recruitment posts (except the promotional posts) within a period of three months from today and that at least for a period of next three months, the vacant posts

shall be filled either by deputation or by engaging employees on a contractual basis so that the issues relating to pollution may be effectively addressed.

14. Insofar as the promotional posts are concerned, the entire procedure shall be completed within a period of six months from today.

15. Insofar as the State of Rajasthan is concerned, Mr. Shiv Mangal Sharma, learned Additional Advocate General appearing for the State of Rajasthan states that though there were 808 vacant posts, the number has now been reduced to 158. He further submits that the process for filling up the remaining posts has already been commenced.

16. We direct the State of Rajasthan to fill up the remaining direct recruitment posts (except the promotional posts) within a period of three months from today and that at least for a period of next three months, the vacant posts shall be filled either by deputation or by engaging employees on a contractual basis so that the issues relating to pollution may be effectively addressed.

17. Insofar as the promotional posts are concerned, the entire procedure shall be completed within a period of six months from today.

18. Insofar as the Central Pollution Control Board (for short "CPCB") is concerned, Ms. Aishwarya Bhati, learned Additional

Solicitor General appearing for the CPCB states that there are 603 sanctioned posts. Out of these, a majority have been filled and only 158 posts remain vacant. She further submits that the process for filling up the remaining posts is underway.

19. We direct the CPCB to fill up the remaining direct recruitment posts (except the promotional posts) within a period of three months from today and that at least for a period of next three months, the vacant posts shall be filled either by deputation or by engaging employees on a contractual basis so that the issues relating to pollution may be effectively addressed.

20. Insofar as the promotional posts are concerned, the entire procedure shall be completed within a period of six months from today.

21. Insofar as the Commission for Air Quality Management (for short "CAQM") in National Capital Region (NCR) and adjoining areas is concerned, Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the CAQM states that the posts of Full-Time Member and the Member Secretary are vacant. She, however, submits that said two posts shall be filled up within a period of one month from today.

22. Insofar as the remaining direct recruitment posts (except the promotional posts) are concerned, the same shall be filled

up within a period of three months from today and that at least for a period of next three months, the vacant posts shall be filled either by deputation or by engaging employees on a contractual basis so that the issues relating to pollution may be effectively addressed.

23. Insofar as the promotional posts are concerned, the entire procedure shall be completed within a period of six months from today.

24. It has been noticed that over the last several years, on account of the high pollution index, this Court was compelled to pass various orders, including the introduction of Graded Response Action Plan (for short "GRAP") which result in stopping various activities, including the construction work. Stopping of the construction activities also has other consequences as the workforce arriving from different parts of the country is left without employment during this period.

25. Though Ms. Aparajita Singh, learned Amicus Curiae, submitted on the last date that the compensation is paid to such workers by the States, it has been brought to our notice that various applications have been filed before this Court alleging that the compensation is not properly paid.

26. We are also informed in one of the proceedings that pursuant to the GRAP orders, a large number of vehicles are stopped at entry points in Delhi and that the emission from

these vehicles is one of the major factors contributing to pollution.

27. We are, therefore, of the considered view that rather than issuing such prohibitory orders, it would be more appropriate that preventive measures are undertaken by all stakeholders, including the Central Government, all the concerned States, the Pollution Control Boards and the CAQM.

28. We, therefore, direct the CAQM to hold joint deliberation with all the concerned States and come out with a concrete plan suggesting certain preventive measures to control pollution, instead of relying solely on prohibitory orders. The same shall be done within a period of three weeks from today.

29. List these matters on 08.10.2025.

IA Nos. 232330 & 232332 of 2025 in W.P.(C) No. 13029 of 1985

1. Learned counsel for the applicant(s) seeks permission to withdraw these applications with liberty to take such remedy as may be permissible in law.

2. Permission is granted.

3. Hence, the applications are disposed of as withdrawn with liberty as prayed for.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANU BHALLA)
COURT MASTER (NSH)