

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.06.2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.9374 of 2010

and

M.P.No.1 of 2010

K.R.Ramasamy @ Traffic Ramaswamy

... Petitioner

Vs.

- 1.Union of India,
Rep. by its Secretary,
Ministry of Environment and Forests,
New Delhi.
- 2.State of Tamil Nadu,
Rep. by its Secretary,
Department of Environment and Forests,
Fort St. George, Chennai - 600 009.
- 3.The Chairman,
Tamil Nadu Pollution Control Board,
No.71, Mount Road,
Guindy, Chennai - 600 032.
- 4.The Chairman,
State Level Impact Assessment Authority,
O/o. Tamil Nadu Pollution Control Board,
No.71, Mount Road, Guindy,
Chennai - 600 032.
- 5.The Chairman,
State Level Expert Appraisal Committee,
O/o. Tamil Nadu Pollution Control Board,
No.71, Mount Road, Guindy,
Chennai - 600 032.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to G.O.(D).No.57, dated 10.02.2009 issued by the second respondent and quashing the same as arbitrary and illegal and consequently, to direct the respondents to follow the procedure adopted by other states in fixing remuneration for the Chairman and Members of State Level Impact Assessment Authority and the Chairman of State Level Expert Appraisal Committee.

For petitioner .. Mr.P.T.Perumal

For R1 .. Mr.V.Ashokkumar
Central Government Standing Counsel

For R2 .. Mr.E.Manoharan
Additional Government Pleader

For R3 to R5 .. Mr.R.Ramanlal

ORDER

(Order of the Court was made by S.MANIKUMAR,J)

Instant writ petition has been filed for a Certiorarified Mandamus, calling for the records pertaining to G.O.(D).No.57, Environment and Forests (EC.3) Department, dated 10.02.2009, issued by the Secretary, Department of Environment and Forests, Chennai/the second respondent herein and to quash the same, as arbitrary and illegal and consequently, to direct the respondents to follow the procedure adopted by other states, in fixing remuneration for the Chairman and Members of State Level Impact Assessment Authority and the Chairman of State Level Expert Appraisal Committee.

2. At the outset, Mr.P.T.Perumal, learned counsel for the petitioner, fairly submitted that the validity of G.O., is only for 3 years.

3. G.O.(D).No.57, Environment and Forests (EC.3) Department, dated 10.02.2009, impugned is reproduced:-

GOVERNMENT OF TAMIL NADU

Abstract

State Level Environment Impact Assessment Authority - Remuneration payable to Chairman and Member of the State Level Environment Impact Assessment Authority / State Level Appraisal Committee - Orders issued.

Environment and Forests (EC.3) Department
G.O.(D).No.57 Date:
10.02.2009

Read:

From the Chairman, State Level Environment
Impact Assessment Authority
D.O.Lr.No.CMN/SEIAA/001/08 Dated : 30.5.2008 and
4.6.2008.

ORDER:-

Under Sub-section (3) of Section of the Environment (Protection) Act, 1986 the Government of India in their notification dated:3.3.2008 has notified a three member State Environment Impact Assessment Authority (SEIAA) with Thiru.C.Thangaraju, I.A.S., (Retd) as Chairman, and a 14 member State Level Expert Appraisal Committee (SEAC) with Dr.M.Mariappan, ex-Vice-Chancellor, Bharathidasan University, Tiruchirapalli as Chairman.

2. The Authority and the Committee will hold office for a period of three years from the date of publication of the Notification. The Tamil Nadu Pollution Control Board was notified as the agency for this purpose. The Notification provides for the payment of sitting fees alone to the Chairman and Members of the respective authority and Committee.

3. The State Environment Impact Assessment Authority is a Regulatory Body to regulate industrial and construction activities with the objective of protecting the environment by suggesting appropriate pollution control measures on air pollution, water pollution, and disposal of solid wastes by equipments with the latest control technologies including cleaner technologies. In the process it has to prevent over exploitation and consequent depletion of natural resources by enforcing resource recovery and recycling methods as a part of promotion of sustainable development in the State.

4. Consequent of the formation of State Level Environment Impact Assessment Authority and State Level Expert Appraisal Committee a proposal has been received for regular salary to the Chairman and the Members.

5. The Chairman, Tamil Nadu Pollution Control Board has stated that the matter was placed before the Board at it's meeting held on 05.11.2008 and the Board has resolved to recommend to the Government that the Chairman, State Level Environment Impact Assessment Authority, Chairman State Level Expert Appraisal Committee and Member SEIAA be paid the sum equal to the Grade pay less the Basic (original) pension drawn by them (as they are retired officials) with effect from 19.03.2008 and the Chairman, Tamil Nadu Pollution Control Board has sent a proposal to this effect.

6. The Government after careful consideration has decided that:-

(a) the remuneration to the Chairman and the Member of the State Environment Impact Assessment Authority and to the Chairman of State Expert Appraisal Committee as below:-

1) Thiru C.Thangaraju, I.A.S.(Retired) --
Rs.40,000/-

Chairman, State Level Environment Per month
Impact Assessment Authority

2) Thiru.G.Rangasamy, -- Rs.9,550/-
Member, State Level Environment per month
Impact Assessment Authority

(Thiru.G.Rangasamy will draw the said amount on adhoc basis and is entitled to draw enhanced amount as and when the recommendations of the 6th pay commission is implemented in Tamil Nadu Pollution Control Board).

3) Dr.M.Mariappan, -- Rs.9,044/-
Chairman, State Level per month
Expert Appraisal Committee

This remuneration of Rs.9,044/- will get enhanced as and when the scale of pay of his post in the parent organization is enhanced based on the 6th Pay Commission's recommendations).

4) Perquisites and other facilities to the above officials shall be fixed as indicated in the Annexure.

5) The fuel ceilings shall be as per existing Government Orders for officers in Chennai City.

6) The entire expenditure will be met from the funds of the Tamil Nadu pollution Control Board and there will be no financial commitment to Government. This will take effect from 19.3.2008.

7) This order issues with the concurrence of Finance department vide its U.O.No.6887/AH&F/2009 Dated: 09.02.2009.

(BY ORDER OF THE GOVERNOR)

DEBENDRANATH SARANGI
PRINCIPAL SECRETARY TO GOVERNMENT (I/C) "

4. Submission of the learned counsel for the petitioner, is placed on record.

5. The validity of the abovesaid G.O., is only for a period of 3 years. The Authority and Committee, notified can hold office only for a period of 3 years, from the date of publication of the notification. Inasmuch as the tenure of respondent 4 and 5, is over, on the expiry of the period of 3 years, that is from 2012 onwards, writ petitioner has no subsisting right to seek for a prayer, to follow the procedure adopted by other states, in fixing remuneration for the Chairman and Members of State Level Impact Assessment Authority and the Chairman of State Level Expert Appraisal Committee.

6. By efflux of time, prayer sought for, has become infructuous, and therefore, instant writ petition is dismissed. No Costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(imp cell)

//True Copy//

Sub Assistant Registrar

dm

To,

1.The Secretary,
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Ministry of Environment and Forests,
New Delhi.

2.State of Tamil Nadu,
Rep. by its Secretary,
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O/o. Tamil Nadu Pollution Control Board,
No.71, Mount Road, Guindy,
Chennai - 600 032.

+1cc to Mr.P.T.Perumal , Advocate SR.No. 47419

+1 cc to Government Pleader Sr.No. 48556

W.P.No.9374 of 2010
and
M.P.No.1 of 2010

A.SK(04/07/2019)



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