

(2013) 07 SC CK 0187

In the Supreme Court Of India

Case No : SLP (C) No's. 12065 of 2009, T.C. (C) No. 132 of 2011, T.C. (C) No. 13345 of 2011, SLP (C) No. 36343 of 2011 and T.C. (C) No. 35 of 2012

Union of India (UOI)

APPELLANT

Vs

Vimal Bhai and Others

RESPONDENT

Date of Decision : 16-07-2013

Acts Referred:

Citation : (2013) 13 SCALE 150

Hon'ble Judges : Sudhansu Jyoti Mukhopadhaya, J;G.S. Singhvi, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Shri P.P. Malhotra, learned Additional Solicitor General placed before the Court letter dated 16.7.2013 sent by the Secretariat of Appointment Committee of the Cabinet to the Ministry of Environment and Forests conveying approval of the Appointment Committee of the Cabinet to the appointment of two Judicial Members. The letter also indicate the willingness of the Government of India to operate the reserved panel. The letter is taken on record and the Ministry of Environment and Forests is directed to take action within 7 days in accordance with Para 3 of letter dated 16.7.2013. Shri Malhotra also gave out that infrastructure is ready for making Pune Bench of National Green Tribunal (NGT) operational. He submitted that residential accommodation for Judicial and Expert Members of the Pune Bench has also been made available.

2. In view of the statement made by the learned Additional Solicitor General, we direct that Pune Bench of the National Green Tribunal shall become functional w.e.f. 1.8.2013.

3. Shri Rohtagi, learned senior counsel appearing for the State of West Bengal gave out that serious efforts are being made to make available the accommodation for Kolkata Bench of the Tribunal as also residential accommodation for Judicial and Expert Members. He submitted that two weeks'

time may be allowed to the State Government to take necessary steps and the Court may not direct shifting of the Bench from Kolkata to Gauhati or Ranchi.

4. The request made by Shri Rohtagi is accepted and two weeks' time is granted to the Government of West Bengal to provide adequate space for making the Kolkata Bench of the Tribunal functional. In addition, suitable residential accommodation for Judicial and Expert Members must also be made available within this period.

5. In view of the judgment of this Hon'ble Court in S.D. Bandi Vs. Divisional Traffic Officer, KSRTC and Others, notice ordered by this Court for vacating the Government accommodation from those who are unauthorisedly occupying the same is discharged with the direction that the Government and the concerned agencies must take action strictly in accordance with Para 28 of the judgment in S.D. Bandi's case.

6. Lt. Gen. S.S. Dahiya, complained that on the strength of the notice issued by this Court he was forcibly evicted from the accommodation and was made to pay penal damages.

7. Shri Rakesh Khanna, learned Additional Solicitor General gave out that he will instruct the concerned department to look into the grievance of Lt. Gen. Dahiya.

8. With a view to enable the department to redress the grievance of the Lt. Gen. Dahiya, we direct him to hand over a letter to the learned Additional Solicitor General who will ensure that necessary action is taken in the matter at the earliest. Put up on 2nd August 2013.