

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

W.P No. 163 of 202

G. Sundarrajan
Old No 29/2, New No 6/2,
12th Avenue Vaigai Colony
Ashok Nagar, Chennai – 83

...Petitioner

versus

1. Union of India
represented by the
Secretary to Government
Ministry of Environment, Forests, and Climate Change,
'Parayavaran Bhavan'
CGO Complex Lodhi Road
New Delhi 110 003

2. Union of India
represented by the Secretary
Department of Personnel & Training,
Ministry of Personnel, Public Grievances & Pensions,
Government of India,
North Block, New Delhi – 110 001

3. Mrs. Girija Vaidyanathan, IAS
Chief Secretary to Government of Tamil Nadu (Retired)
New No: 7, Old No: 4 Central Avenue
Kesava Perumalpuram
Chennai – 28

...Respondents

COUNTER AFFIDAVIT OF DR. GIRIJA VAIDYANATHAN

I, Dr. Girija Vaidyanathan, wife of Mr.S.V. Raja Vaidyanathan, Hindu, aged about 61 years residing at No.7, Central Avenue, Kesavaperumalpuram, Chennai – 28 do hereby solemnly affirm and sincerely state as follows:

1. I am the 3rd respondent herein and as such I am well acquainted with the facts and circumstances of the case.

2. I deny all the allegations and averments contained in the affidavit filed in support of the above Writ Petition save those that are specifically admitted hereunder.

3. I submit that the above Writ Petition has been filed purportedly as Public Interest Litigation by alleging that I do not possess requisite qualification for being appointed as Expert Member in National Green Tribunal. The said allegation is made without properly understanding the relevant provisions which prescribe qualification for appointment as Expert Member and without knowledge of my qualifications and experience.

4. I state that I am a graduate in Bachelor of Science in Physics from Madras University, where I passed out with a gold medal, a topper in M.Sc. Physics from the Indian Institute of Technology, Chennai and hold a doctoral degree in health economics from Indian Institute of Technology and also a Chartered Financial Analyst (CFA) degree. I was also the first among the women and 9th among 1 lakh aspirants in the 1981 batch Indian Administrative Services Exam.

5. I state that I have 38 years of administrative experience and held several positions as an officer of the Indian Administrative Service in the State of Tamil Nadu and retired as Chief Secretary of Tamil Nadu on 30.06.2019. During my tenure, I have held the following positions and dealt with environmental matters in the State of Tamil Nadu:

i. Secretary to Government, Environment and Forest Department from December 2001 to August 2002 handling overall administrative control of the issues relating to environment and forests.

ii. Chairman of Tamil Nadu Pollution Control Board from November 2003 to May 2005 (2.5 years) and dealt with all environmental and pollution control issues.

iii. Principal Secretary to Government, Health and Family Welfare Department, Government of Tamil Nadu, between August 2002 to November 2003(1.25 years) and from 01.06.2011 to 27.09.2012(1.25 years) wherein I handled many issues pertaining to the health aspects of the environment like control of water borne diseases and diseases due to air pollution, managing the environment for reduction of vector borne diseases like dengue and managing the biomedical waste disposal system in the State.

iv. Commissioner of Land Administration, Tamil Nadu from 22.05.2013 to 22.12.2016 (3.5 years) wherein I was in charge of protection of water bodies in the State. This position also included protection of forest lands and forest related issues in the districts of Nilgiris and Tirunelveli, which involved handling litigation in various Courts including the Hon'ble High Court and Hon'ble Supreme Court of India.

v. Chief Secretary to Government of Tamil Nadu from 23.12.2016 to 30.06.2019 (2.5 years) wherein I handled many issues related to environment including as head of Chennai River Restoration Trust for restoration of Chennai Waterways where I appeared before the National Green Tribunal. I was also involved in various pollution control related matters including coal bed methane, Sterlite copper, management and restoration of environment after disasters and natural calamities like cyclone, forest fire, etc.,

vi. Commissioner, Sugar & CMD, Tamil Nadu Sugar Corporation Limited (TASCO) from June 1996 to April 1999 (3 years), wherein I handled environmental issues of sugar mills in the State.

vii. Joint Managing Director, Tamil Nadu Civil Supplies Corporation from September 1989 to April 1991(2.5 years), wherein I handled environmental issues of rice mills run by the Corporation.

viii. Joint Secretary & Additional Secretary, Finance Department, September 1992 to August 1995 (3 years), and Special Secretary, Finance Department, April 1999 to June 2001 (2 years) wherein I handled financial aspects of environmental and forest department.

6. I state that as stated above, out of my total 38 years of administrative experience as Indian Administrative Service Officer in the State of Tamil Nadu, more than 20 years of service/experience was indealing with environmental matters involving pollution control, hazardous substance management, forest conservation and managing water bodies,etc.

7. I state that I possess sufficient qualification for being appointed to the post of Expert Member of NGT as contemplated under the relevant rules and was selected by the Search-cum-Selection-Committee for appointment to the post of Expert Member in NGT, which comprises the sitting Judge of Hon'ble Supreme Court being nominee of the Hon'ble Chief Justice of India as Chairperson of the Committee and the Chairperson of the National Green Tribunal, who is a retired Judge of the Hon'ble Supreme Court of India, Secretary, MoEF& CC and Secretary, Department of Personnel & Training as Members. I am yet to receive my appointment order.

8. I state that the order impugned in this Writ Petition is not my appointment order but the approval of the proposal for appointment to the post of Expert Members granted by the Appointments Committee of the Cabinet and even on this score, the above petition is liable to be dismissed as premature. Thus, there is no substance of merit in the above Writ Petition and the same is liable to be dismissed accordingly.

I, therefore, respectfully pray that this Hon'ble Court may be pleased to dismiss the above Writ Petition with exemplary cost and thus render justice.

Solemnly affirmed and signed her name in my presence on this 4th Day of March 2021

Before Me
Advocate;Chennai

