

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 563/1999
with
OA 565/1999

(17)

New Delhi this the 16th day of November, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri V.K. Majotra, Member (A)

OA 563/1999

1. Shri A.K. Ambasht
S/O Late Sh. H. N. Ambasht
N.S.S.O. (F.O.D.),
GDA, Flats 1 to 4,
Station Road, Gorakhpur
presently in Delhi
2. Shri S.K. Bhasin,
S/O Late Sh. K. N. Bhasin
Investigator, NSSO (FOD) Hqrs.
Pushpa Bhawan, Mandangir Road,
New Delhi.
3. Sh. H. K. Misra,
S/O Shri J. K. Misra,
Investigator, NSSO (FOD) Hqrs.
Pushpa Bhawan, Madangir Road,
New Delhi.
4. Sh. Sushil Kohli
S/O Late Sh. B. S. Kohli,
Investigator, NSSO (FOD) Hqrs.,
Pushpa Bhawan, Madangir Road,
New Delhi.
5. Sh. Subhash Divedi,
Son of Sh. K. P. Divedi,
Investigator, NSSO (FOD), Hqrs.,
Pushpa Bhawan, Madangir Road,
New Delhi.
6. Sh. Ajay Saxena,
son of Sh. Brijendra Saxena
Investigator, NSSO (FOD)
HIG 224-229 A.V. Colony, Sikandra
Bodla Road, Sikandra, Agra 282007.

(By Advocate Ms Geetanjali Goel)

... Applicants

Versus

1. Union of India,
Through Secretary,
Dept. of Statistics, Ministry of
Planning and Programme Implementation,
Sardar Patel Bhawan, Sansad Marg,
New Delhi.
2. Chief Executive Officer,
National Sample Survey Organ.
Sardar Patel Bhawan, Sansad Marg,
New Delhi-110062

3. The Deputy Director General
National Sample Survey Orgn.,
(Field Operation Division),
Pushpa Bhawan, New Delhi-110062

4. The Secretary,
Dept. of Expenditure,
Ministry of Finance,
North Block, New Delhi.

.. Respondents

(By Advocate Shri K.R. Sachdeva)

(18)

OA 565/1999

1. All India Association of Superintendents
NSSO, FOD, through General Secretary,
NSSO, FOD, Pushpa Bhawan, Madangir
New Delhi.

2. Shri G. Ravi Dass
S/O Late Shri Sharda Ravi Das,
President, All India NSSO, FOD
Pushpa Bhawan, Madangir Road,
New Delhi.

3. Shri D. B. Sabat
S/O Late Balji Sabat,
Qr. No. 1285, NH-4, Type-III,
Faridabad, Haryana.

.. Applicants

(By Advocate Ms. Geetanjali Goel)

Versus

1. Union of India through Secretary,
Department of Statistics,
Ministry of Planning & Programme
Implementation, Sardar Patel Bhawan,
Sansad Marg, New Delhi.

2. Chief Executive Officer,
National Sample Survey Orgn.,
Dept. of Statistics, Sardar Patel Bhawan,
Sansad Marg, New Delhi.

3. The Deputy Director General,
National Sample Survey Orgn.,
(Field Operation Division),
Pushpa Bhawan, New Delhi-110062.

4. The Secretary,
Department of Expenditure,
Ministry of Finance, North Block,
New Delhi.

.. Respondents

(By Advocate Shri K.R. Sachdeva)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The main prayer of the applicants in both these OAs is:

JB,

similar and therefore, learned counsel for both the parties have stated that these cases may be considered together and disposed of by a common order.

(19)

2. Learned counsel for the applicants relies on the judgement of the Tribunal in All India Association of Ass'tt. Supdt. (I), NSSO, FOD, Deptt. of Statistics and Ors Vs. UOI & Ors (OA 1374/1998) which was disposed of on 6.11.1998, copy placed at Annexure A-4. The prayer of the applicants for similar directions as given in that OA, for replacement of the applicants in the pay scale of Rs. 6500-10,5000. Sh. K. R. Sachdeva, learned counsel has submitted that the Tribunal's order relied upon by the applicants has, on appeal filed by the respondents (Civil Writ petition No. 144/99) quashed and set aside by the Hon'ble Delhi High Court by their order dated 6.7.99 (Annexure R-1).

Admittedly, against the order of the Delhi High Court, the applicants in those cases have filed a Special Leave Petition before the Hon'ble Supreme Court. The Apex Court by order dated 9.8.1999 has ordered as follows:-

"Leave granted. Printing dispensed with. Appeals shall be heard on the SLP paper books. Liberty to mention.

The disbursement of salary in the scale objected to by the respondents shall be subject to the ultimate decision of the appeals."

In the above circumstances, learned counsel for the applicants has submitted that the present OAs, namely, OA 563/99 and OA 565/99, may be disposed of giving the applicants such of the reliefs as may be granted by the Hon'ble Apex Court to the similarly situated persons in the case pending before the Supreme Court (Supra). Learned counsel has also prayed that liberty

3

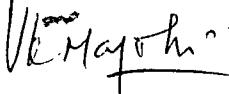
may be given to the applicants in case they are aggrieved by the (20) implementation of the orders by the respondents. Shri K.R.Sachdeva, learned counsel for the respondents has also been heard.

3. In view of the above facts and circumstances of the case, ~~the~~ OA 563/1999 and OA 565/1999 are disposed of as follows:-

The respondents shall consider the claim of the applicants in these applications, in the light of the final orders ^{to be} passed by the Hon'ble Supreme Court in the aforesaid case. In the circumstances, liberty is granted to the applicants to pursue such other legal remedies as are available to them, in accordance with law thereafter.

No order as to costs.

Let a copy of this order be placed in OA 565/1999


(V.K.Majotra)

Member (A)


(Smt.Lakshmi Swaminathan)
Member(J)

sk