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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 647 of 1998  
M.A. No. 1416 of 1998

New Delhi, dated this the 21th day of July, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

1. All India Association of  
Asst. Supdt. (1), NSSO, FOD,  
Ministry of Planning & Programme  
Implementation through its  
General Secretary Shri K.V.B.K. Murthy,  
16-2-21 Old Post Office Street,  
Purnandampet, Vijayawada (AP)
2. Shri C.M. Tiwari,  
Asst. Supdt., NSSO, FOD,  
M/o Planning & Prog. Impl.,  
4/19 Asaf Ali Road, bad.  
New Delhi-110002.
3. Shri G.S. Sharma,  
Asst. Supdt. NSSO, FOD,  
Dept. of Statistics, Pushpa Bhawan,  
Madangiri Road,  
New Delhi-110062. .... APPLICANTS  
(By Advocate: Shri A.K. Sikri with  
Shri V.K. Rao)

Versus

1. Union of India through  
the Secretary,  
Ministry of Planning & Programme  
Implementation,  
Sardar Patel Bhawan,  
New Delhi.
2. Chief Executive Officer, er,  
National Sample Survey Orgn.,  
Dept. of Statics,  
Sardar Patel Bhawan,  
Parliament Street, New Delhi.
3. The Director,  
National Sample Survey Orgn.  
(Operation Division),  
Pushpa Bhawan, New Delhi-110062.
4. The Secretary,  
Ministry of Finance,  
Dept. of Expenditure,  
North Block,  
New Delhi. .... RESPONDENTS  
(By Advocate: Shri K.R. Sachdeva)

ORDER (Oral)BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

In this O.A. applicants have sought for direction to respondents to grant them the pay scale of Rs.5500-9000 recommended by the 5th Pay Commission and accepted by the Govt. of India w.e.f. 1.1.996, together with arrears and interest thereon @ 18% p.a.

2. We have heard Shri Sikri along with Shri Rao for applicant and Shri K.R. Sachdeva for respondents.

3. Shri Sachdeva has invited our attention to respondents' O.M. dated 30.6.98 (taken on record) granting the applicants the upgraded pay scale of Rs.5500-9000 w.e.f. 1.1.96, together with grant of arrears as per Para 5 of the aforesaid O.M.

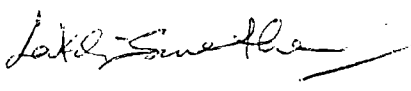
4. Shri Sikri, however, asserts that applicants<sup>are</sup> still aggrieved by the fact that although they are at par with SIs/Sr. Statistical Investigators/Statistical Assistants etc., the pay scale of these categories which were revised to Rs.5500-9000, has now been further upgraded to Rs.6500-10500 vide aforesaid O.M. dated 30.6.98 and hence applicants are being discriminated against and Shri Sikri presses M.A. No. 1416/98 seeking to amend the O.A. The assertion of parity is denied by Respondents' counsel Shri Sachdeva.

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5. As the grievance of applicants in this O.A. was regarding non-grant of the pay scale of Rs.5500-9000 and the same has been granted now nothing further survives in this O.A. In case applicants are aggrieved by the contents of O.M. dated 30.6.98 it gives them a fresh cause of action and they are at liberty to file a fresh O.A. in accordance with law if so advised, in which it is also open to them to pray for grant of interest on the arrears.

6. In view of the above Shri Sikri prays for permission and is allowed to withdraw MA-1416/98.

7. O.A. No. 647/98 stands disposed of in terms of Para 5 above. No costs.

  
(Mrs. LAKSHMI SWAMINATHAN)  
MEMBER (J)

  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

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