

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.2017/2001  
M.A.No.1695/2001

Hon'ble Shri Shanker Raju, Member (J)

New Delhi, this the 16th day of August, 2001

1. Dinesh Kumar  
s/o Shri Satya Narayan  
r/o 25/4, Ahir Mohalla  
Najafgarh Road, Mangloai  
Delhi - 54.

2. Bijender Kumar  
s/o Late Jas Ram Singh  
r/o 147, Gali No.13  
Balbir Nagar Extension  
Nalapar, Shahdara  
Delhi - 32.

... Applicants

(By Advocate: Shri Aparb Lal with Mr. K.K.Tewari and  
Ms. Sushmita Lal)

Vs.

1. Director General  
ICMR, Ansari Nagar  
New Delhi - 29.

2. Institute of Pathology (ICMR)  
through its Director  
Safdarjung Hospital Campus  
Post Box No.4909  
New Delhi - 29.

... Respondents

O R D E R(Oral)

By Shanker Raju, Member (J):

The present OA has been filed by the applicants claiming regular wages as admissible to the Laboratory Assistants. The applicant has filed a similar OA 1907/2000 wherein the same prayer was made and in the conspectus the Court directed the respondents to consider the claim of the applicant for appointment/regularisation as Laboratory Assistant and to pass a speaking order. According to the learned counsel for the applicant, the respondents are yet to comply with the directions by passing a speaking order after considering their regularisation and grant of wages at par with the regular employees. According to

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the applicants, admittedly, they are performing the duties of Laboratory Assistants. In my considered view the proper remedy before the applicants is to file a Contempt Petition instead of filing the present OA which would be barred by doctrine of constructive resjudicate.

2. In the above circumstances, the present OA is not maintainable and is accordingly dismissed. However, the applicants are at liberty to assail any other remedy in accordance with law. The OA is accordingly dismissed. No costs.

S. Raju  
(SHANKER RAJU)  
MEMBER(J)

/RAO/