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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P. NO. 136/2000  
in  
O.A. NO. 2667/1999

New Delhi this the 19th day of September, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M. P. SINGH, MEMBER (A)

1. Rajender Kumar S/O Subramaniam,  
R/O House No.45,  
Anand Gram, Tahirpur,  
Shahdara, Delhi-95.
2. Suman Rani D/O Kalicharan,  
R/O 369/96, Type-II,  
Mirdard Road, LNJP Hospital,  
New Delhi. ... Applicants

( By Shri Apurb Lal, Advocate )

-versus-

1. Shri P.S. Bhatnagar,  
Chief Secretary,  
Govt. of NCT of Delhi,  
5, Sham Nath Marg, Delhi.
2. Shri Vimal Chandra Pandey,  
Director, Administration,  
LNJP Hospital, Jawahar Lal Marg,  
New Delhi-110002. ... Respondents

( By Shri Ajesh Luthra, Advocate )

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Non-compliance with an order passed by the Tribunal on 10.12.1999 in OA No.2667/99 is made the basis of the present contempt petition. Aforesaid order of 10.12.1999 is an ex parte order issued without notice to respondents. The order proceeds on the basis that applicants had been appointed as Lab Attendants/Para Medical staff on short term contract basis initially for a period of 89 days and were allowed to continue till 23.10.1999. By the order, their services have been directed to be continued as Lab Attendants till such time regularly appointed Lab Attendants are appointed.

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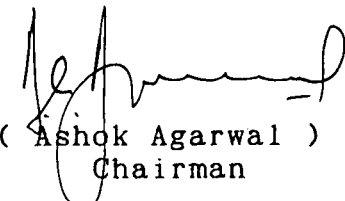
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2. Since there was non-compliance with the aforesaid order of 10.12.1999, applicants have instituted the present contempt petition. After notices were duly served, respondents have come up with a case that applicants had at no point of time been appointed as Lab Attendants; they had been appointed as Nursing Orderlies. Several documents have been submitted on behalf of respondents to make good their aforesaid claim. As against this, by placing reliance on documents at Annexure A-3 to the OA, it is <sup>maintained</sup> ~~mentioned~~ on behalf of applicants that they had been appointed as Lab Attendants.

3. Having regard to the aforesaid disputed questions of fact as also the fact that the order which has been issued by the Tribunal is an ex parte order, we do not find this a fit case to pursue the present contempt proceedings. Present contempt petition, in the circumstances, is disposed of and notices are discharged, giving liberty to applicants to institute a fresh OA, if so advised. There shall be no order as to costs.

4. In case a fresh OA is instituted within a period of two weeks, the same will be entertained without raising an objection in regard to limitation.

  
( M. P. Singh )  
Member(A)

  
( Ashok Agarwal )  
Chairman

/as/