

Central Administrative Tribunal  
Principal Bench

C.P. No. 442 of 2000

in

O.A. No. 2647 of 1999

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New Delhi, dated this the 9th January, 2002

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

Madhukar,  
R/o 51, Delhi Administration Flats,  
Greater Kailash-1,  
New Delhi.

.. Petitioner

(By Advocate: Shri A.K. Behera)

Versus

1. Shri Kamal Pandey,  
Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi.

2. Shri P.S. Bhatnagar,  
Chief Secretary,  
5, Sham nath Marg,  
Delhi-110054.

.. Respondents

(By Advocate: Shri H.K. Gangwani)

ORDER (Oral)

S.R. ADIGE, VC (A)

Heard both sides on C.P. No. 442 of 2000  
alleging contumacious disobedience of the Tribunal's  
order dated 26.7.2000.

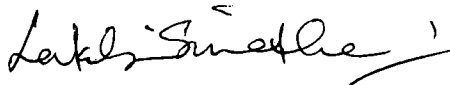
2. We have perused the Tribunal's order  
dated 6.9.2001 and the other averments made by both  
Id. counsel.

3. Having regard to the Hon'ble Supreme  
Court's judgment in J.S. Parihar Vs. G. Duggar &  
Others JT 1996 (9) SC 608 we hold that, while the  
action of Respondents cannot be said ~~to be in contempt~~ <sup>to be in contempt</sup> of

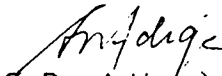
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the Tribunal's order dated 26.7.2000, the question whether the review DPC dated 15.2.2001 could have considered the events subsequent to the year 1992 to recommend placement of applicant's name in sealed cover DPC at which point of time, applicant seeks promotion is an arguable one which applicant may challenge separately in accordance with law if so advised.

4. Giving liberty as aforesaid, the C.P. is dropped. Notices discharged.



(Mrs. Lakshmi Swaminathan)  
Vice Chairman (J)



(S.R. Adige)  
Vice Chairman (A)

karthik