

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.No.40/2004
M.A.No.314/2004
O.A.NO.2597/2003

this the 11th day of March, 2004

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri S. A. Singh, Member (A)

Sh.M.P.Sharma,
S/o Shri S.S.Sharma,
R/o 18/7 Railway Flats,
Chanakya Puri, New Delhi-21.

...Petitioner

(By Advocate: Shri M.K.Bhardwaj)

Vs.

1. P.Shankar,
Chief Vigilance Officer,
Satarkata Bhawan, INA, New Delhi.
2. Kamal Pandey,
Secretary,
Cabinet Secretariat,
President House, New Delhi.
3. Bhaskar Khulbe,
Director, Vigilance,
Cabinet Secretariat,
North Block, New Delhi.
4. US Mishra,
Director, CBI,
Block No.3, CGO Complex,
New Delhi.

... Respondents.

(By Advocate: Shri M.M.Sudan)

O R D E R (ORAL)

By Shri Shanker Raju

A contentious issue of fresh cause of action cannot be gone into in a contempt petition as held by decision of the Apex Court in the case of J.S.Parihar Vs. Ganpat Duggar & Ors. reported in (1996) 6 SCC 291.


2. Learned counsel for applicant relies upon an order passed by Delhi High Court in CW No.1002/2001 decided on 24.4.2002 to contend that in pursuance of the

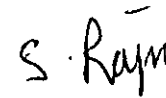
directions, if a representation is disposed of without considering the grounds taken in the representation, the order cannot be sustained.

3. From the perusal of the order passed by the Tribunal, we find that the only direction was to dispose of the representation.

4. We have also perused the order dated 23.1.2004 passed by the respondents in pursuance of our directions. Whether the respondents considered the representation properly or not, the subsequent fresh cause of action is to be gone into through appropriate proceedings.

5. With these observations, giving liberty to the applicant, C.P. is dismissed. Notices are discharged.


(S.A. Singh)
Member (A)


(Shanker Raju)
Member(J)

/kdr/