

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1358 of 2005

Allahabad this the 25th day of **March**, 2010

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. D.C. Lakha, Member (A)

Munney Khan S/o late Sri Sharfuddin, resident of Mohalla Khalasa behind Gausia Masjid, Kashipur, District Udhampur Singh Nagar.

Applicant

By Advocate: Sri Satish Dwivedi

Vs.

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager, North Eastern Railway, Izzatnagar.
3. The Sr. Divisional Mechanical Engineer, North Eastern Engineer, Izzatnagar.
4. Dr. Rawat, C.O.S.C. the then Assistant Medical Officer, Railway Hospital, North Eastern Railway, Kashipur through the Divisional Railway Manager, Eastern Railway, Izzatnagar.

Respondents

By Advocate: Sri Anil Dwivedi

O R D E R

By Hon'ble Mr. A.K. Gaur, J.M.

We have heard Sri Satish Dwivedi, learned counsel for the applicant and Sri Anil Dwivedi, learned counsel for the respondents.

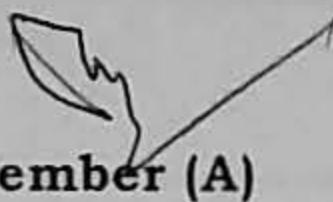
2. We have carefully seen the appellate order. Learned counsel for the applicant would contend that the Appellate Authority has not considered the point of proportionality of punishment/quantum of punishment. It is settled law that this Tribunal cannot look into quantum of punishment unless the same is shocking to the judicial

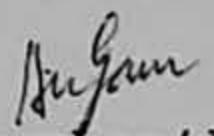
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conscience. We have carefully noticed that the Appellate Authority has not at all considered the proportionality of punishment/quantum of punishment, while deciding the Appeal.

3. In view of the above facts and circumstances, We quash and set aside the appellate authority's order dated 29/30-08-2005 (Annexure A-2) and remit back the matter to the Appellate Authority to consider the proportionality of punishment/quantum of punishment in accordance with the provisions of rules, within a period of three months from the date of receipt of a certified copy of this order. It is further directed that without interfering with the other aspects of the case, the Appellate Authority will only consider the point of quantum of punishment proportionality of punishment.

4. With the above directions, the O.A. stands disposed of. No cost.


Member (A)


Member (J)

/M.M/