

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD**

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(THIS THE 8<sup>th</sup> DAY OF JULY 2009)

Hon'ble Mr. A.K. Gaur, Member (J)  
Hon'ble Mrs. Manjulika Gautam Member (A)

**Original Application No. 286 of 2007**  
(U/S 19, Administrative Tribunal Act, 1985)

Smt. Sunita Rani wife of Shri Babu Ram Saini R/o 220/C Railway Harthala Colony, Moradabad

..... *Applicant*

***Versus***

1. Union of India, through its Secretary, Ministry of Human Resources Development, New Delhi.
2. Joint Commissioner, Kendriya Vidyalaya Sangathan, 18, Industrial Area, Shaheed Jeet Singh Marg, New Delhi/Appellate Authority.
3. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office Slalawala, Hatibarkala, Dehradun Uttranchal/Disciplinary Authority.
4. Principal, Kendriya Vidyalaya, Moradabad.
5. Principal, Kendriya Vidyalaya (O.F.D.) Raipur, Dehradun/Inquiry Officer.

..... *Respondents*

Present for Applicant : Shri Pradip Kumar

Present for Respondents : Shri N. P. Singh

**ORDER**

**(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)**

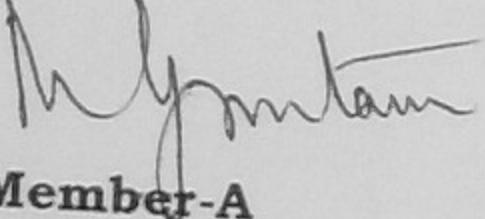
We have heard Shri Pradeep Kumar, learned counsel for the applicant and Shri N.P. Singh, learned Counsel for the respondents.

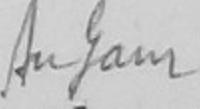
2. Learned counsel for the respondents raised a preliminary objection that the applicant has not exhausted the departmental remedy of filing

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Review. The proper course open to the applicant was to file review to Commissioner against the order of Appellate Authority.

3. Learned counsel for the applicant submitted that the punishment awarded to the applicant is too excessive and it is not commensurate with the guilt of the applicant. The punishment awarded by the Competent Authority is shockingly disproportionate to the guilt of the applicant.
4. Having heard Shri N.P. Singh, learned counsel for the respondents, we hereby direct the applicant to prefer the Review Petition before the Commissioner within a period of two weeks from the date of the receipt of the copy of this order, if such representation is received by the Commissioner concerned, he shall consider and pass appropriate reasoned and speaking order on the representation of the applicant within a period of two months from the date of the receipt of the certified copy of this order, taking into account the grievance of the applicant. While deciding the representation of the applicant the Competent Authority shall also look into the quantum of punishment.
5. With the aforesaid directions, the O.A. is disposed of.

  
**Member-A**

  
**Member-J**

//Sushil//