

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 10th day of August, 2010

ORIGINAL APPLICATION NO. 381/2009

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

Dr. Geeta Rani Panda daughter of Shri D.N. Ray wife of Shri D. Panda aged about 35 years, resident of RE/V/10, Railway Officers Colony, Kota. Presently posted as Contract Medical Practitioner (CMP), Railway Hospital, West Central Railway, Kota.

.....Applicant

(By Advocate: Mr. Rajvir Sharma)

VERSUS

1. Union of India through its General Manager, West Central Railway, Jabalpur (M.P.).
2. Divisional Railway Manager, West Central Railway, Kota.

.....Respondents

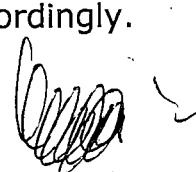
(By Advocate: Mr. V.S. Gurjar)

ORDER (ORAL)

The grievance of the applicant in this OA is regarding deduction of House Rent Allowance from her monthly fees/salary as according to the respondents, she is sharing accommodation with her husband, who is a regular Railway servant and has been allotted railway accommodation. The basis for deducting House Rent Allowance is on the basis of the Railway Board Circular No. 96(E)GR)II/9/16 dated 24.08.2005 (Annexure R/2) which stipulated that remuneration payable to the medical practitioner, who are engaged on contract basis, also includes the amount of House Rent Allowance at the rate mentioned in that circular. The validity of circular dated 24.08.2005 (Annexure R/2) has not been challenged in this OA.

Abh

2. Learned counsel for the applicant submits that in view of the specific stand taken by the respondents on the basis of the aforesaid circular dated 24.08.2005, the applicant may be permitted to withdraw this OA with liberty reserved to him to file substantive OA thereby challenging the validity of the Railway Board Circular dated 24.08.2005 on all permissible grounds.
3. In view of what has been stated above, the applicant is permitted to withdraw this OA with liberty reserved to him in the aforesaid terms. The OA shall stand disposed of accordingly. Learned counsel for the applicant further submits that the applicant may also be permitted to file representation thereby highlighting her grievances regarding deduction of House Rent Allowance.
4. I have given due consideration to the submission made by the learned counsel for the applicant and I am of the view that in case the applicant ^{has not been} ~~has not~~ reserved the remedy of representation, I see no reasons why the appropriate authority shall not consider the representation of the applicant sympathetically and in accordance with law.
5. With these observations, the OA is disposed of accordingly.



(M.L. CHAUHAN)
MEMBER (J)

AHQ