

1./ 20.8.96.

Shri N.P. Sinha, the learned counsel for the applicant.

Heard Shri N.P. Sinha, the learned counsel for the applicant who has been served with order of termination dated 12.8.96 under Rule 6 of the ED (Conduct and Service) Rules. Shri N.P. Sinha brought to my notice that this termination order is not in order as allowances and salary payable as part of the termination order has not been paid to the applicant and also the termination order is not in specimen proforma prescribed under rule 6. He also says that the applicant has not made over the charge of his office, even though this order is dated 12.8.96. According to Shri Sinha, this order is void and is not enforceable against the applicant.

2. I have seen the ED (Conduct & Service) Rules by which the competent authority is empowered to terminate services of EDBPM forthwith. The question of payment of salary and dearness allowances is not condition ^{precedent} ~~necessary~~ for termination. These allowances are payable and if the applicant had any grievances on that score, he could have made representation to the competent authority. In any case the ^{fact} ~~amount~~ of ^{non-} payment cannot be considered to be fatal to the termination order and hence the question of order being not enforceable does not appear acceptable to me.

ED employees ^{are considered} ~~have to be governed by the rules~~ of Civil Posts under Govt. of India. They are governed by the rules enacted by the Govt. and as such the applicant has to first seek remedy for his grievances within the department itself. Shri Sinha conceded during the argument that the order of termination can be represented by the applicant. However, he has not done so. He has straight come to this Tribunal. In view of this, the OA is dismissed at the admission stage itself. Let the applicant exhaust the departmental

remedy before coming to this Tribunal.

/CBS/

N.K. Verma
(N.K. Verma)
Member (A)