



**Central Administrative Tribunal
Principal Bench**

OA No. 2208/2015

New Delhi, this the 12th day of March, 2020

**Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Shri Gaurav Aggarwal
Age – 42 years
S/o Lt. Shri Surendra Kumar
Sub Inspector (Police)
R/o 260, Ground Floor, Ashoka Enclave Main
Sector – 35, Faridabad (Haryana).

...Applicant

(By Advocate : Ms. Meenu Mainee)

Versus

1. Chief Secretary
Players Building, IP Estate, New Delhi.
2. Commissioner of Police
Police Headquarters
MSO Building, IP Estate, New Delhi.
3. Dy. Commissioner of Police 7th Battaliion
DAP, New Delhi.

...Respondents

(By Advocate : Ms. Sumedha Sharma)

ORDER (ORAL)

Mr. S.N. Terdal :

Heard Ms. Meenu Mainee, counsel for applicant and Ms. Sumedha Sharma, counsel for respondents, perused the pleadings and all the documents.

2. The reliefs prayed for in this OA are as follows :

"8.1 That the Hon'ble Tribunal may be graciously pleased to allow this application and quash the impugned orders dt. 1-5-2015.



- 8.2. That the Hon'ble Tribunal may further be pleased to pass any other or further order as may be deemed fit and proper on the facts and circumstances of the case.
- 8.3. That the Hon'ble Tribunal may further be graciously pleased to grant costs against the respondents and in favour of the applicant."

3. At the time hearing, we observed that in the additional affidavit filed by the respondents dated 17.02.2017, it is specifically stated that the suspension period from 21.02.2014 to 17.08.2015 is treated for all intents and purposes as period "not spent on duty". The relevant portion of the order dated 17.02.2017 is extracted below:

"That it is further submitted that he was also convicted on 18.07.2016 by the Hon'ble Court of Shri Jitendra Kumar Mishra, Special Judge, CBI, Karkardooma Court, East Distt., vide judgment dated 18.07.16. After conviction department had dismissed him from service and his suspension period has also been decided as period "Not Spent on Duty" from 21.02.2004 to 17.08.2015 for all intents and purposes vide order No. 4037-4127/HAP (P-II)/7th Bn. DAP, dated 20.08.2016. At present his appeal against the order of dismissal from the service is pending in the office of Joint Commissioner of Police, Armed Police Delhi since 24.10.2016."

4. In view of the above averments, there is no merit in the present OA. Hence, we dispose of the OA with liberty to the applicant to seek appropriate remedy as per law. There shall be no order as cost.

(Mohd. Jamshed)
Member (A)

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(S.N. Terdal)
Member (J)