

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

O.A.No. 351/586/2019

Date of order : 12.06.2019

**Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman****Hon'ble Dr. Nandita Chatterjee, Administrative Member**

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**Shri Jagdish Moothy, son of Late Guru Murthy  
Resident of Aberdeen Bazar Port Blair, South  
Andaman Presently working as Sareng under the  
respondent No. 8**

..... **Applicant**

For the Applicant : Mr. B.Bhushan, Counsel

**- Versus -****1. The Union of India,**

Through the Secretary Ministry of Home Affairs  
Govt. of India, Central Secretariat North Block,  
New Delhi – 110 001

**2. The Union of India,**

Through the Secretary to the Govt. of India,  
Ministry of Shipping, Road Transport & Highways  
ShastriBhawan, New Delhi - 110001

**3. The A & N Administration,**

Through Lt. Governor, (Administrator) Andaman  
& Nicobar Islands, Raj Niwas, Port Blair - 744101

**4. The Chief Secretary/Chairman,**

Andaman Adim Janjati Vikas Samiti Andaman and  
Nicobar Administration, Secretariat, Port Blair -  
744101

**5. The Principal Secretary (Shipping)**

Andaman and Nicobar Administration,  
Secretariat, Port Blair-744101

**6. The Secretary (Tribal Welfare)**

Andaman & Nicobar Administration Secretariat,  
Port Blair – 744101

**7. The Director of Shipping Services**

Andaman & Nicobar Administration Port Blair

8. **The Chief Port Administrator**  
Port Management Board Andaman & Nicobar  
Administration Port Blair

..... Respondents

For the Respondents : Mr. R.Halder, Counsel

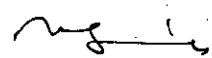
**ORDER (ORAL)**

**Justice L.Narasimha Reddy, Chairman:**

The applicant states that he has been engaged as Sareng in the respondents' organization more than 30 years ago and, despite his requests from time to time, he has not been regularized in that post. One of the representations made by him on 27.02.2019 to the Port Management was forwarded to the Director of Shipping Services for necessary action through a covering letter is dated 22.03.2019. The grievance of the applicant is that no action has been taken thereon and he is on the verge of reaching the age of superannuation.

2. We heard Mr. B.Bhushan, learned counsel for the applicant, and Mr. R.Halder, learned counsel for the respondents, at the stage of admission, at length, and perused the record.

3. If the statement of the applicant is true, it is a clear case of failure of justice by any standard. Continuing an employee for a period of more than 30 years on temporary or ad hoc basis, against a permanent vacancy, is totally impermissible under law. The very fact that the employee was continuing for such a long period is a proof as to the perennial nature of the post and suitability of the incumbent. Such a course, will, in fact, amount to exploitation.



4. The Port Management, has already forwarded the representation made by the applicant to 7<sup>th</sup> Respondent for decision in this behalf to be taken.

5. We, therefore, dispose of the O.A. directing the 7<sup>th</sup> Respondent to pass an appropriate orders on the representation dated 27.02.2019, submitted by the applicant and forwarded to him by the Port Management Board on a covering letter dated 22.03.2019, within a period of two months from the date of the order. There shall be no order as to costs.

**(Dr.NanditaChatterjee)**  
**Administrative Member**

**(Justice L.Narasimha Reddy)**  
**Chairman**

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