

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**O.A. No.100/2697/2016**

**New Delhi this the 30<sup>th</sup> day of August, 2016**

**HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)**  
**HON'BLE MR. P.K. BASU, MEMBER (A)**

Shri A.K. Rastogi, Age 59 years,  
R/o 13/69, Raj Nagar,  
Ghaziabad-201002. ...Applicant

(Argued by: Shri Bharat Sangal, Advocate)

Versus

1. Ministry of Corporate Affairs,  
Through the Secretary,  
'A' Wing, 5<sup>th</sup> Floor, Shastri Bhawan,  
New Delhi-110001.
2. Department of Personnel & Training,  
Through the Director,  
Ministry of Personnel,  
Public Grievances & Pension,  
North Block,  
New Delhi-110001.
3. Department of Empowerment of Persons  
With Disabilities  
Through the Secretary,  
5<sup>th</sup> Floor, Paryavaran Bhawan,  
CGO Complex,  
New Delhi-110003. ...Respondents

**ORDER (ORAL)**

**Justice M. S. Sullar, Member (J)**

Applicant, Shri A.K. Rastogi, claiming himself to be qualified and desirous of applying for the post of Technical Member in the reserved category of disabled persons in National Company Law Tribunal (NCLT), has preferred the instant OA, challenging the impugned requisition/advertisement dated

10.08.2015 (Annexure A-1) for filling up 10 posts of Technical Member in NCLT, issued by the Government of India, Ministry of Corporate Affairs.

2. The main contention by the learned counsel pressed into service, is that, since the respondents have not reserved (3%) posts in the category of disabled persons in the impugned advertisement (Annexure A-1), so the respondents be directed to make reservation for persons with disability with respect to the advertised posts, is not only devoid of merit but misplaced as well, at this stage.

3. As is evident from the record that Ministry of Corporate Affairs has sent the impugned requisition (Annexure A-1) for filling up only 10 posts of Technical Member in NCLT, the 3% of 10 advertised posts, which comes to 0.03 vacancy, i.e., even much less than one post. Therefore, it cannot possibly be saith and the applicant cannot be heard to say, that he is entitled to be appointed in the reserved category of disabled persons, at this stage.

4. Therefore, the OA is dismissed as premature, at this stage.

**(P.K. BASU)**  
**MEMBER (A)**

**Rakesh**

**(JUSTICE M.S. SULLAR)**  
**MEMBER (J)**  
**30.08.2016**