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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 37/2006
AND M.A.Nos. 23/2006 and 140/2010**

JODHPUR: THIS THE 26th, August, 2010

**CORAM
HON'BLE DR. K.B.SURESH, JUDICIAL MEMBER
HON'BLE MR. V.K. KAPOOR, ADMINISTRATIVE MEMBER**

1. M.M.Purohit S/o Shri Fouj Raj Purohit aged 52 years, C/o r. G.S. Purohit, Gahdni Chowk, Jodhpur. Official Address : Divisional Finance Manager Office, North West Railways, Jodhpur.

2. Prakash Jethani S/o Shri D.G. Jethani aged 46 years, resident of B-1-98, Saraswati Nagar, Jodhpur. Official Address : Divisional Finance Manager Office, North West Railways, Jodhpur.

3. Girish Mathur /o Shri M.C. Mathur aged 48 years, resident of Railway Bungalow No. 52-A, Railway Workshop Road, Jodhpur. Official Address : Divisional S.E./C, North West Railways, Jodhpur.

4. Smt. Usha Deora W/o Shri R.S. Deora aged 47 years resident of H.No. 626, 12th A Road, Sardarpura, Jodhpur, Official Address : Divisional Finance Manager Office, North Western Railways, Jodhpur.

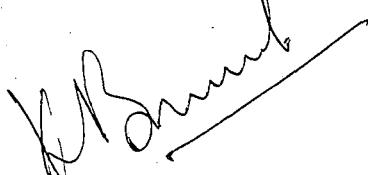
5. Gokul Chandra Mishra S/o Shri Dwarka Prasad aged 48 years, Resident of 19/515, Chopasani Housing Board, Jodhpur, Official Address : Divisional Finance Manager Office, North West Railway, Jodhpur.

6. Anil Purohit S/o Shri Murlidhar Purohit, aged 43 years, resident of Near Ganeshji's Small Temple, Khanda False, Jodhpur, Official Address Divisional Finance Manager Office, North Western Railway, Jodhpur.

7. Rajesh Krishan S/o Shri Kushal Karan, aged 41 years, resident of Shahpura, Sunaron Ka Bas, Jodhpur, Official Address : Divisional Finance Manager Office, North Western Railways, Jodhpur.

8. Sawai Singh Chauhan S/o Shri Fateh Singh aged 42 years, resident of Railway Bungalow No. 4031, Residency Road, Jodhpur. Official Address : Divisional Finance Manager Office, North Western Railways, Jodhpur.

9. Pukh Raj Gandhi S/o Shri Bachh Raj Gandhi, aged 45 years, resident of Railway Bungalow No. 4032, Residency Road, Jodhpur, Official Address : Divisional Finance Manager Office, North Western Railways, Jodhpur.



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10. Suresh Chandra Verma S/o Shri Govind Ram Verma aged 42 years, resident of 330, New BJS Colony, Jodhpur, Official Address : Divisional Finance Manager Office, North Western Railways, Jodhpur.

11. M.L. Sirvi S/o Shri Mugna Ram, aged 44 years, resident of Railway Quarter No. 2043, Nehru Park, Railway Colony, Jodhpur, Official Address : Senior Assistant Finance Advisor's Office, North Western Railways, Jodhpur.

12. Pramod Kumar Gaur S/o Shri Vijay Krishna aged 47 years, resident of 4F-79, New Power House Road, Jodhpur, Official Address : Senior Assistant Finance Advisor's/ Const. Office, North Western Railways, Jodhpur.

13. Narain Singh S/o Shri Amar Singh aged 38 years, resident of Railway Bungalow No. 4032, Residency Road, Jodhpur, Official Address Divisional Audit Officer, North Western Railways, Jodhpur.

14. M.R. Mehta S/o Shri A.R. Mehta aged 44 years, resident of 17/311 Chopasani Housing Board, Jodhpur, Official Address Assistant Finance Manager, Traffic Accounts, North Western Railways, Jodhpur.

15. Brij Raj Singh Sodha S/o Shri Lal Singh Sodha aged 45 years, resident of Plot No. 3, New Colony BJS, Jodhpur, Official Address Assistant Finance Manager/Traffic Accounts, North Western Railways, Jodhpur.

16. R.K. Kularia S/o Shri Gena Ram aged 44 years, resident of K.K. Colony, Basni II Phase, Official Address : Sr. Assistant Finance Advisor / C, North West Railways, Jodhpur.

17. S.K. Agarwal S/o Shri Ram Chandra aged 45 years, C/o Pavitras Kamla Nehru Nagar, Jodhpur, Official Address : Assistant Finance Manager /Traffic Accounts, North West Railways, Jodhpur.

18. Man Mohan Nigam S/o Shri Vishambhar Prasad Nigam aged 41 years, resident of Kudi Bhagtasani Housing Board, Jodhpur, Official Address : Assistant Finance Manager /Traffic Accounts, North West Railways, Jodhpur.

19. Sandeep Chaudhary S/o Shri G.R. Dhankhad aged 42 years, resident of 123, Ahit Colony, Jodhpur, Official Address : Assistant Finance Manager/Traffic Accounts, North West Railways, Jodhpur.

20. Umesh Mathur S/o Shri Gyan Chand Mathur aged 42 years, resident of 915/B, 7th D Road, Sardarpura, Jodhpur, Official Address : Assistant Finance Manager /Traffic Accounts, North West Railways, Jodhpur.

21. Kishore Rajpurohit S/o Shri Sukh Dev Singh aged 42 years, resident of 9/21, Chopasani Housing Board, Jodhpur, Official



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Address : Assistant Finance Manager /Traffic Accounts, North West Railways, Jodhpur.

22. Sanjay Vyas S/o Shri Manohar Lal Vyas, aged 41 years, resident of Gumdi Ka Mohalla, Nav Chokia, Jodhpur, Official Address : Assistant Finance Manager /Traffic Accounts, North West Railways, Jodhpur.
23. Shambhu Singh Sodha S/o Shri Lal Singh Sodha aged 44 years, resident of Plot No. 107, Hanwant 'A' Sector, BJS Colony, Jodhpur, Official Address : Sr. Assistant Finance Advisor/Workshop Accounts, North West Railways, Jodhpur.
24. Daulat Singh Sodha S/o Shri Madho Singh Sodha, aged 44 years, resident of Mohan Nagar 'A' BJS Colony, Jodhpur, Official Address : Sr. Assistant Finance Advisor/Workshop Accounts, North West Railways, Jodhpur.
25. Rishi Raj Singh Sodha S/o Shri Lal Singh Sodha aged 38 years, resident of Plot No. 526, New Colony BJS, Jodhpur, Official Address : Workshop Audit Officer, North West Railways, Jodhpur. Ashok Sharma S/o Shri Laxmi Narain aged 54 years, resident of Railway Quarter no. 3081, New Loco Colony, Jodhpur, Official Address : Sr. Assistant Finance Advisor/Workshop Accounts, North West Railways, Jodhpur.
27. Ismiol Khan S/o Shri Fateh Khan aged 44 years, resident of Railway Quarter No. 2033, Railway Nehru Park Colony, Jodhpur, Official Address : Sr. Assistant Finance Advisor/Workshop Accounts, North West Railways, Jodhpur.
28. Arvind Gupta S/o Shri u.S. Gupta aged 42 years, resident of 3rd E 275, JNV Colony, Bikaner, Official Address : Divisional Finance Manager Office, North West Railways, Jodhpur.
29. P.N. Vyas S/o Shri Jai Narain Vyas, aged 55 years, resident of Chetaniyo Ki Gali, Ghanchi Bazar, Jodhpur, Official Address : AFM/TA, North West Railways, Jodhpur.
30. Rajendra Sharma S/o Late Shri Hajari Mal Sharma, Bakhtawar Mal Jee Ka Bagh, Chopasani Road, Jodhpur, Official Address : AFM/TA, North West Railways, Jodhpur.
31. Mahendra Kumar Deora S/o Shri Sohanlal Deora, Manwato Ki Haveli, Baijji Ka Talab, Jodhpur, Official Address : AFM/TA, North West Railways, Jodhpur.
32. Gopal Rajpurohit S/o Shri Tulsaji Purohit, 144, Baldev Nagar, Masuria, Jodhpur, Official Address : AFM/TA, North West Railways, Jodhpur.

.....Applicants

[For the applicant Mr.R.S.Saluja, Advocate]

Versus



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- 1-. The Union of India through the General Manager, North Western Railway, Jaipur (Raj).
- 2-. The Chairman, Railway Board, Rail Bhavan, New Delhi.
- 3-. The Financial Advisor & Chief Accounts Officer, North Western Railways, Jaipur.

.....**Respondents.**

[For the respondents Mr. Salil Trivedi]

ORDER (ORAL)
[PER DR. K.B.SURESH]

This matter was heard earlier by a coordinate Bench but it was not declared as part-heard, therefore, it came before us.

The learned counsel for the respondents would submit that the matter relates to a seniority list which was issued much much before and which had been superseded after hearing the objections from many others. On 12.8.2004 the respondents have issued a seniority list subsequent to the earlier one filed by the applicant as Annex.A-1 and challenging it and thus, this seniority list (filed as Annex. R/2 along with the reply) was issued prior to the filing of this Original Application i.e. on 4.1.2006. Therefore, the cause under which the applicant would agitate was never in existence, thus, the learned counsel for respondents submits that the O.A. would fail on the issue.

2- At this juncture, the applicant appears to have filed an amendment application. Going by the various judgements of the Apex Court and the provisions of Civil Procedure Code, under

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Order VI Rule 17, it is apparent that a cause which has been extinguished cannot be rejuvenated through an amendment as it will prejudice the respondents who are already in the array but also the others, who may be adversely affected, therefore, the amendment sought cannot be allowed. Besides, even before the filing of the OA, the relief is infructuous. Since the cause in the instant application has already been extinguished, the amendment application at this stage is denied and the OA is dismissed. But, we allow a liberty to the applicant to agitate the matter afresh if he is so advised.

3- The O.A. is dismissed as above. Since the OA itself has been dismissed giving liberty to the applicant, the MA Nos. 23/2006 and M.A. 140/2010, do not survive.

V.K.Kapoor
(V.K.Kapoor)
AM

Dr.K.B.Suresh
(Dr.K.B.Suresh)
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