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**(2018) 08 DEL CK 0493**

**In the Delhi High Court**

**Case No :** Letter Petent L Appeal No. 496 Of 2018, Cm No. 35177 Of 2018

Kavita

APPELLANT

Vs

Indian Oil Corporation Ltd & Anr

RESPONDENT

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**Date of Decision :** 29-08-2018

**Acts Referred:**

**Citation :** (2018) 08 DEL CK 0493

**Hon'ble Judges :** Rajendra Menon, CJ;V. Kameswar Rao, J

**Bench :** Division Bench

**Advocate :** Gaurang Kanth, Malanarayan, Neha Dawak, Madhumanti Ghosh, Mohd. Sajid

**Final Decision :** Dismissed

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## **Judgement**

Rajendra Menon, CJ. (Oral)

C.Ms.No.35178-79/2018 (exemptions)

Â Allowed, subject to all just exceptions LPA 496/2018

1. Seeking exception to an order passed by the writ Court on 14.08.2018 in the matter of allotment of retail outlet to Scheduled Caste/Scheduled Tribe

Letter of Intent (LOI) holders, the petitioner has filed the present appeal.Â The learned writ Court having dismissed the writ petition, the petitioner is

before this Court.Â Various averments are made in this appeal and we find that the learned writ Court in detail has adverted to various

submissions.Â The only dispute was as to whether the allotment in question has to be made by determining the seniority inter se between the allottees

on the basis of the date of interview or the date on which the LOI was issued.Â Â

2. The learned writ Court found that the allotment based on the date of interview, as canvassed by the petitioner, is not a feasible or proper

method.Â Â Determination of seniority based on the date of issuance of LOI was found to be more appropriate by the writ Court and, therefore, the

learned Court disposed of the writ directing the allotment based on seniority with regard to issue of LOI.Â Â

3. It is the grievance of the petitioner that in case of the petitioner, because of procedural irregularities, there had been delay in issuance of LOI and

the delay being not attributable to the petitioner, the petitioner's right could not be taken away because of administrative delay on the part of the

authorities in only issuing the LOI after a period of more than 145 days.Â It was argued that the LOI has to be issued within a particular time frame,

that is, within 10-15 days of conduct of the interview and in case of the petitioner, the administrative delay was occasioned because of the respondent

company and the petitioner is made to suffer in view of this.Â Â Â Â Â 4. We find that from para-11 onwards, the learned writ Court has examined

all these issues and in para-12.1, 12.2, 12.3 and 13, the issue has been dealt with in the following manner:-

12.1 It is possible that the committee so constituted, is unable to hold interviews of all candidates on a given date. Therefore, merely, because

interviews are held on different dates and results are declared thereafter, perhaps, on separate dates, would also not offer, a satisfactory criterion. The

only reason that Mr. Kanth suggests that the date when the interviews were held and the results declared was a better criterion is because the

petitioner's interview was held on 21.7.2004, whereas the interview of respondent No.2 was held on 6.8.2004.Â

12.2 However, what Mr. Kanth forgets is that respondent No.2 had filed his application for allotment of retail outlet with IBP, prior to its merger with

IOCL.Â

12.3 Therefore, while respondent no.2's interview was held later, fortuitously, the LOI, in his case, was issued on a date earlier to that when

IOCL issued the LOI in favour of the petitioner. The LOI, as indicated above, was issued on 31.8.2004 in favour of respondent no.2 while, IOCL

issued the LOI in favour of the petitioner on 30.9.2004.Â

13. No doubt, the period of delay, as Mr. Kanth says, between the holding of interviews and the declaration of results and hence issuance of LOI, is

not uniform, but the reasons for delay are not available on record.

5. The learned writ Court finally came to the conclusion that the criteria adopted by the respondent company for determination of seniority in

accordance with the date of issuance of LOI is a reasonable one and thought it appropriate to dismiss the writ petition.Â Â

6. In our considered view, the factors that weighed with the learned writ Court for doing so cannot be termed as unreasonable or illegal to such an

extent that interference into the matter now by this Court is called for, as it is a reasonable one in the facts and circumstances of the case.Â Â

7. Finding no error in the impugned order passed by the learned writ Court, we dismiss the appeal along with the pending application.