

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. _____ OF 2026
(@SLP (C) No.19874 of 2026)**

SUMITRA

..... APPELLANT(S)

VERSUS

INDIAN OIL CORPORATION LTD. & ORS.

..... RESPONDENT(S)

O R D E R

1. Heard.

2. Leave granted.

3. The present appeal arises out of a judgment dated 04.10.2025 passed by the High Court of Punjab and Haryana in RSA No.2162 of 1993, whereby the High Court dismissed the regular Second Appeal and affirmed the judgment of the First Appellate Court dated 06.08.1993, dismissing the suit instituted by the appellant. The controversy has its genesis to the recruitment process undertaken by the respondent for the LPG Bottling plant at Village Gudha in the year 1988. The appellant was amongst 49 persons whose names were recommended for employment. She was thereafter called for an interview for the post of Casual Khallasi/Peon and accordingly she appeared for the interview on 26.10.1988. Appointment letters were subsequently issued to 43 persons except the appellant.

4. The material on record consumes significance in this regard. The recruitment requisition issued by the Corporation for the post of Casual Casual Khallasi/Peon expressly stated that women were eligible. More importantly, the Corporation's own witness DW-1 has stated in his cross-examination that except for the fact that appellant was a lady, she fulfilled the requisite eligibility conditions. In his

own words the admission reads as under:

“At the time of interview, we check certificates. Except for the fact that she is a lady she fulfills the eligibility”

The trial court upon consideration of this evidence, decreed the suit.

5. The aforesaid decree was reversed by the appellate court principally on the ground that the appellant had only been recommended for the interview but had never been finally selected. The High Court thereafter proceeded on the same basis and held that recommendation on empanellment did not clothe the appellant of any vested right for being appointed. The High Court further relied upon on the absence of a sanctioned post and the dilated nature of work the proposed engagement warranted.

6. There cannot be any quarrel to the proposition that mere recommendation or inclusion in a panel, does not by itself, confirm any indefeasible right for being appointed. The question, however, which was required to be examined, was somewhat different. The issue is whether the appellant, having been treated as eligible, called for interview and subjected to the same recruitment processes as like other candidates, could thereafter be excluded from consideration merely because she was a lady? On this aspect, the evidence on record is significant as it would disclose that recruitment requisition itself recorded that women candidates were eligible. The appellant was called for the interview and thereafter the witness examined on behalf of the Corporation, before the trial court, who admitted that appellant completely fulfilled the requisite eligibility conditions prescribed except for the fact that she was a lady. No statutory provision prohibit employment of women to the post in question, has been brought on record. The explanation that the work involved handling of cylinders, working at odd hours and working predominately with male employees, cannot a lawful basis for excluding an otherwise eligible woman candidate when Corporation's own recruitment requisition declared that women were eligible.

7. The fact that the appellant did not acquire a vested right to appointment, does not mean that the recruitment process was beyond pale of judicial scrutiny. An authority conducting recruitment is required or expected to act in accordance with law even at the stage of selection. The absence of an indefeasible right to appointment cannot be treated as license to discriminate between eligible candidates on the ground of sex.

8. We are, therefore, of the view that First Appellate Court and the High Court committed a serious error in treating a vested right for being considered to the appointment on a completely illogical conclusion. The evidence on record, particularly, the recruitment requisition and the admission of DW-1, establishes that appellant's exclusion from the recruitment process was materially attributable to her being a woman. Such exclusion would not be sustained in the absence of a legal prohibition or restriction upon the employment of women to the concerned post. This court cannot lose sight of the fact that committee constituted for identifying the candidates, had also recommended the candidature of the appellant. The relief which can be appropriately granted at this stage, requires consideration. The appellant was interviewed in 1988, she never entered into the service of the Corporation. The proposed engagement on daily wages in the casual appointment, was not against sanctioned post. Nearly 38 years have lapsed since the recruitment process had commenced. The appellant is now stated to be about 63 years of age which is beyond the age of superannuation, as stated by the corporation. In these circumstances, the direction for appointment by restoring the decree of the trial court, would not be feasible, nor it would constitute an appropriate forum for service relief.

9. The court must, however, ensure that the passage of time or delay, which was not attributable to any acts of the appellant, by itself could be a ground to deny the relief after having effectively defended her right for the years and clearly established by both, oral and documentary evidence, that her exclusion from the recruitment process was unlawful. Thus, the relief must consequently be moulded to meet the ends of justice. In the peculiar facts and circumstances of the case, the compensation in lieu of appointment, would constitute appropriate relief.

10. Accordingly, the appeal is allowed. The judgment dated 14.10.2025 passed by the High Court of Punjab and Haryana in RSA 2162 of 1993 and the judgment dated 06.08.1993 passed by the First Appellate Court in Appeal Nos.10 of 1990 and 231 of 1991 are hereby set aside.

11. The finding of the trial court that the appellant was excluded from the recruitment process on the ground that she was a woman, is required to be restored and accordingly to that extent it is restored. However, having regard to the passage of time, the nature of original engagement, the fact that the appellant never entered service and her present age, no direction for appointment or absorption can now be issued. In exercise of the constitutional power vested under Article 142 of the Constitution of India, we mould the relief in the peculiar facts of the present case by directing the Respondent Nos. 1 and 2 to pay the appellant a sum of Rs.12,00,000/- (Rupees Twelve Lakhs), as compensation in lieu of appointment. The aforesaid amount shall be paid within a period of eight weeks from today and in the event of failure to make payment within the stipulated period, it shall carry interest @6 % per annum from the expiry of the said period of eight weeks until payment is made or deposited before the jurisdictional trial court.

12. The appeal stands allowed in the aforesaid terms. There shall be no order as to costs.

13. Pending application(s), if any, shall stand disposed of.

.....J.
(ARAVIND KUMAR)

.....J.
(VIPUL M. PANCHOLI)

New Delhi;
September 17, 2026.

ITEM NO.25

COURT NO.10

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 19874/2026

[Arising out of impugned final judgment and order dated 14-10-2025 in RSA No. 2162/1993 passed by the High Court of Punjab & Haryana at Chandigarh]

SUMITRA

Petitioner(s)

VERSUS

INDIAN OIL CORPORATION LTD. & ORS.

Respondent(s)

IA No. 157693/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 157694/2026 - EXEMPTION FROM FILING O.T.

Date : 17-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :Mr. Himanshu Jain, Adv.
Mr. Naveen Dubey, Adv.
Mr. Atul Jain, Adv.
Mr. Siddharth Jain, Adv.
Ms. Vibha, Adv.
Ms. Vandana Dhankar, Adv.
Ms. Pooja Kumari, Adv.
Mr. Mohit Kumar Gupta, Adv.
Mr. Surya Nath Pandey, AOR

For Respondent(s) :Mr. Gorang Goyal, AOR
Mr. Rajiv Shukla, Adv.
Ms. Shivani Kapoor, Adv.
Mr. Manish Kumar, Adv.
Mr, Manish Bhardwaj, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the Signed Order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)