

\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 316/2016 and C.M. Appl. 25004/2016**

NEW INDIA ASSURANCE CO LTD Appellant
Through: **Mr. Sameer Nandwani, Advocate**

versus

URMILA DEVI & ORS Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
20.02.2018

1. Learned counsel for the appellant has handed over the copy of the guidelines issued by the New India Assurance Company Limited on 15th February, 2018 to ensure that such cases do not re-occur. The relevant portion of the guidelines is reproduced hereunder: -

“Re: Necessary Guidelines to Deal with EC Cases

With reference to the captioned subject, it is to bring to the notice of all concerned, certain guidelines, which must be adhered to while handling Employees' Compensation cases. The guidelines are as hereunder: -

- 1. At the time of receipt of summons from the Ld. Labour Commissioner, the first and foremost thing is to check the reporting of OD Claim, if any.*
- 2. If OD claim is reported on the concerned Policy, then have a liasoning with Claim processing office and a copy of OD file from the respective office should be obtained.*
- 3. If all the vehicular documents have been found to be verified through RTO by the claim processing office, then no need to re-verify the same.*
- 4. If the particulars of Driver/cleaner and details of death/injury to the workman as declared by the*

Insured/owner in the Claim Form have been found identical with averments made in the petition preferred before the Ld. Labour Commissioner, ground of 'Employer-Employee' relationship should not be assailed before the Commissioner Appellate Court unless some new or adverse material facts come to our knowledge."

2. This Court appreciates the guidelines issued by the New India Assurance Company Limited. The unconditional apology of the appellant is hereby accepted and the show cause notice dated 15th November, 2017 is withdrawn.
3. This appeal has already been disposed of on 15th November, 2017 and need not be listed again.
4. Copy of this order be given dasti to counsels for the appellant under signatures of the Court Master.

J.R. MIDHA, J.

FEBRUARY 20, 2018
rsk