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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ W.P.(C) 7011/2017

AMIT KUMAR ..... Petitioner

Through Ms.Padma Kumar, Adv.

versus

THE NEW INDIA ASSURANCE COMPANY LIMITED & ORS. ..... Respondents

Through Mr.D.D. Singh, Adv. with Mr.Navdeep Singh, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **16.01.2019**

Vide the present petition, the petitioner seeks direction thereby setting aside the impugned orders dated 05.09.2016 and 07.09.2016 and consequently directing the respondents to consider the arrears of pay revision for calculations for the year 2016-17 and release the Non-Core Benefits and Annual Increment immediately with interest thereon.

The brief facts of the case are that the petitioner was initially appointed in the New India Assurance Company Limited i.e. the R-1 herein as Assistant and later was converted as Development Officer on 01.01.2000. The said respondent issued order dated 09.02.2016 whereby wage revision effected an upward revision in cost ratio limit in all class of cities by 1%. Accordingly, the revised cost limits were set as 8% for A City, 9% for B City and 11% for C City. Delhi being A City, the revised cost limit was set at 8%. A relaxation in cost ratio limit in all classes of cities by further 1% for the performance year 01.04.2015 to 31.03.2016 for the purpose of absorption of additional cost accruing as a result of payment of arrears and equitable relief as per option to be exercised by development officers w.e.f. 01.08.2010. However, the revised cost ratio limit could be opted being implemented from the next financial year i.e. 2016-17, in case an Option, therefore, was exercised within 90 days. Therefore, all the Regional Officers were instructed to circulate the instruction to development officers. The Regional Office, where the petitioner works i.e. the Delhi Region has not circulated the communication to the petitioner who is working in Divisional Office, C-2, Fourth Floor, Mahavir Bhawan, Karampura Commercial Complex, New Delhi-15. This resulted in implementing the revised "Cost Ratio Limit" to the financial year 2015-16 itself. The petitioner, therefore, became victim of the inaction on the part of the Regional Officer who failed to circulate the instructions to the petitioner. As the implementation of Revised Cost Limit was not allowed to be opted for the year 2016-17, the petitioner has been deprived of the allowances which he would be getting for the year 2016-17.

In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner was well aware of the circular as the same was circulated by the office wherein he was posted. Moreover, it was available on the company portal also to which the petitioner had access. The petitioner was having independent password and nothing has prevented him to check the same. The petitioner has failed to assign any reason for not accessing the portal. The notification was published in the Government Gazette also.

It is further stated in the counter affidavit that the said circular was duly circulated and for that reason other officials who working in the similar cadre had exercised their option. Thus, the petitioner had been negligent in performing his duties which fact can be affirmed from the business pool. It is other agents working in his kit who had been forwarding most of the business. The petitioner as a development officer has failed to put in his effort to reap business for the company.

In view of the facts mentioned in the counter affidavit and the petitioner has not given any option whereas similarly situated other officers, have given option before the last cut off date which was 23.04.2016, I find no merit in the present petition.

The petition is, accordingly, dismissed with no order as to costs.

SURESH KUMAR KAIT, J

JANUARY 16, 2019
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