

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.134 of 2014

***The D.M., M/s.Oriental Insurance
Co. Ltd.***

.... ***Appellant***
Mr.P.K.Panda, Advocate

-versus-

Anjali Pradhan and others

.... ***Respondents***
Mr.K.R.Guru, Advocate
for Respondent Nos.1 & 2

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
04.01.2022**

Order No.

8.

1. Heard Mr.Panda, learned counsel for the Appellant and Mr.Guru, learned counsel for the Claimants-Respondents 1 and 2.

2. The present appeal is directed against the judgment/award dated 20th December, 2013 passed by the learned Commissioner for Employee's Compensation – cum – Deputy Labour Commissioner, Sambalpur in W.C.Case No.31 of 2007, wherein the compensation to the tune of Rs.3,73,748/- has been directed to be paid to the L.Rs of the deceased, who died in course of the employment.

3. It is submitted on behalf of the Appellant that considering the nature of job of the deceased as a driver of the Ambassador Car bearing Registration No.OR-17-B-9873 and taking the rate of minimum wages, his monthly income should not be more than Rs.2,175/-, but the learned Tribunal has accepted the same at Rs.3,500/- without any documentary proof. Thus he prays to reduce the amount of compensation suitably.

4. After hearing both parties and upon perusal of the impugned judgment, it is seen that the deceased is aged about 26 years and with regard to proof of his income, the oral version of the employer has been taken account of without any documentary proof. Considering the rate of minimum wages prescribed for skilled labourers prevailing in the year 2005, Rs.3,500/- is found to be on higher side. However, without getting into further details of computation, as agreed by the learned counsel for the Claimants-Respondents, the compensation amount is reduced to Rs.2,75,000/- consolidated.

5. Since the award amount has already been deposited before the the Commissioner for Employee's Compensation-cum-Deputy Labour Commissioner, Sambalpur, it is directed that Commissioner shall disburse the afore-stated amount of Rs.2,75,000/- (Two lakhs seventy five thousand) consolidated to the Claimants-Respondents along with proportionate accrued interest within a period of eight weeks from today and the balance amount with accrued interest thereof be refunded to the Insurer-Appellant.

6. With the above direction, the appeal is disposed of.

7. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge