

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.74 of 2020

Reliance General Insurance Co.Ltd. ***Appellant***
Mr.G.P. Dutta, Advocate

-versus-

Biranj Devi and others ***Respondents***
Mr.Kalpataru Panigrahi, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
12.4.2022

Order No.

5.

1. Heard Mr.Dutta, learned counsel for the Appellant and Mr.Mohanty, learned Advocate for Respondent Nos.1 to 4.

2. Present appeal by the Insurer is directed against impugned judgment/award dated 16th August, 2019 passed by the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Cuttack in E.C.Case No.615-D of 2011, wherein compensation to the tune of Rs.9,34,314/- has been granted on account of death of the deceased in course of his employment as a helper in the truck bearing Registration No.OR-04-E-1586.

3. Having heard both parties and considering the grounds advanced, a reduced compensation of Rs.4,70,000/- consolidated is proposed to the parties in course of hearing. The same is agreed by Mr.Panigrahi, learned counsel for the claimants-Respondent Nos.1 and 2. Mr.Dutta, learned counsel for the Insurer-Appellant

leaves it to the discretion of the Court. Accordingly, the amount is reduced to said extent.

4. It is submitted that despite direction of this Court to release 50% of the amount in favour of the claimants-Respondents, no amount has been released in favour of the claimants till date.

5. Since the entire award amount has been deposited before the Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Cuttack, the Commissioner is directed to disburse the modified consolidated amount of Rs.4,70,000/- with proportionate accrued interest thereof in favour of the claimants within a period of two months from today. The balance amount with proportionate accrued interest thereof shall be refunded to the Insurer-Appellant.

6. It needs to be mentioned here that Respondent No.2, namely, Rajendra Biswakarma has been deleted from the appeal upon his death, as per the order dated 22nd March, 2022 of this Court.

7. The appeal is accordingly disposed of.

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

(B.P. Routray)
Judge