

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.4516 Of 2021
(Through hybrid mode)**

Jhuna Karan

....

Petitioner

Mr. A. Tripathy, Advocate

-versus-

Union of India and others

....

Opposite Parties

Mr. P.C. Panda, AGA

CORAM: JUSTICE ARINDAM SINHA

**Order
No.
04.**

**ORDER
07.03.2022**

1. Mr. Tripathy, learned advocate appears on behalf of petitioner and submits, relief sought is for compensation on death of his client's husband. The deceased was a registered worker under Odisha Building and Other Construction Workers Welfare Board. He had identity card dated 19th August, 2014 issued to him. He died by lightening on 25th November, 2014 while working on his land. Refusal to grant compensation was on the ground that he died within a period of one year from date of registration.

2. Mr. Panda, learned advocate, Additional Government Advocate appears on behalf of State and submits, the relaxation came by circular dated 27th January, 2015.

3. Perused circular dated 27th January, 2015. The intention of State to forthwith pay compensation is evident from following extracted and reproduced below.

“I am directed to say that Government have been pleased to allow the OB & OCWWB to implement the enhanced scale of benefits hence forthwith in exercise of powers conferred under Rule 279 of the Odisha Building and Other Construction Workers (RE&CS) Rules, 2002 as mentioned below, without waiting for formal amendment to the rules.

xxx

xxx

xxx

➤ *The minimum period of registration of one year, required for availing assistance for purchase of safety equipment, working tools and death benefit (in case of natural death), is waived.”*

4. It appears, the deceased was doubly unfortunate. Not only he lost his life by lightening, the date of death preceded the relaxation by just under two months.

5. In circumstances aforesaid Court cannot compel the State. Petitioner might once again approach the authority with his prayer for ex-gratia.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks