

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.98 of 2017

***Divisional Manager, M/s. Oriental
Insurance Company Ltd.***

.... Appellant

Mr. M. Sinha, Advocate

-versus-

Dharmendra Behera and Another

.... Respondents

Mr. K. Panigrahi, counsel for Respondent No.1

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

**ORDER
06.01.2022**

Order No.

- 09.
1. Heard Mr. M. Sinha, learned counsel for the Appellant and Mr. K. Panigrahi, learned counsel for the claimant – Respondent No.1.
 2. The present appeal by the insurer has been directed against the judgment dated 20th August, 2016 of the learned Commissioner for Employee's Compensation -cum- Deputy Labour Commissioner, Rourkela in E.C. Case No.23 of 2012.
 3. In the impugned judgment the learned Commissioner upon adjudicating the dispute has directed for grant of compensation to the tune of Rs.9,67,968/- on account of injuries sustained by the claimant in the accident dated 9th August, 2011.
 4. The case of the claimant is that he was working as driver of the Bus bearing Registration No.OR 07 W 8108 on the date of accident

and sustained injuries on his person due to the accident in course of employment.

5. Mr. Sinha, learned counsel for the Appellant submits that the learned Commissioner has committed error by believing the disability certificate produced on behalf of the claimant which was not issued by appropriate medical board and further, computed the compensation by taking the monthly income of the injured at higher side.

6. Having heard Mr. Panigrahi, learned counsel for the claimant-Respondent and upon perusal of the impugned award, without getting into the dispute further, the compensation amount is reduced to Rs.8,25,000/- consolidated which is agreed by Mr. Panigrahi, learned counsel for claimant-Respondent.

7. Since the entire awarded amount has been deposited before the learned Commissioner, out of the said amount, a consolidated sum of Rs.8,25,000/- (eight lakh twenty-five thousand) along with proportionate interest accrued thereon be disbursed in favour of the claimant – Respondent within four weeks from today and the balance amount along with interest accrued thereof shall be refunded to the Insurer – Appellant without delay.

8. The appeal is accordingly disposed of.

9. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge