

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.11828 Of 2017
(Through hybrid mode)**

Proprietor, S.K. Engineering

....

Petitioner

Mr. B.B. Singh, Advocate

-versus-

DM, M/s. OIC Ltd. and others

....

Opposite Parties

Mr. G.P. Dutta, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
30.03.2022**

**Order
No.**

05.

1. Mr. Singh, learned advocate appears on behalf of petitioner and submits, his client is contractor. His client insured his workers with opposite party no.1. One of the workers met with accident and died. The widow approached Assistant Labour Commissioner for relief. Award was made, including penalty and interest.
2. Petitioner then preferred appeal to this Court on fulfilling requirement of deposit of the award amount. In appeal there was modification of the award. The widow obtained disbursement of modified award, while his client got refund of the balance. This Court also gave liberty to his client to initiate proceeding for recovery from the insurer (opposite party no.1).

3. Pursuant to the liberty petitioner applied to Court of Commissioner for Employee's Compensation. Impugned is order dated 27th March, 2017. Mr. Singh points out therefrom that it suffers from non-application of mind as apparent on the face of it. The Court did not appreciate identity of his client but said that an employee has filed the petition to recover liability from the insurer.

4. Mr. Dutta, learned advocate appears on behalf of the insurer.

5. Impugned order is set aside and quashed. The application is restored to the Court of the Commissioner for Employee's Compensation, with direction for expeditious disposal by four weeks of communication.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks