

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO NO.181 OF 2022

From the Judgment/Order dated 25.01.2022 passed by the learned Joint Labour Commissioner for Employees' Compensation, Cuttack in E.C. Case No.10-D/2021.

**Legal Manager (T.P. Cell)
M/s. New India Assurance
Co. Ltd.**

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Appellant

-:: VERSUS ::-

Akshaya Behera & Anr.

::::

Respondents

Appeared in this case by Video Conferencing Mode / Hybrid

Mode.

For Appellant

**:::: Mr. S. Roy, Advocate
(for Appellant-Company)**

For Respondent

**:::: Mr. D. Patnaik, Advocate
(for Claimant-Respondent No. 1)**

PRESENT :

THE HON'BLE MR. JUSTICE B.P.SATAPATHY

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Date of Hearing- 12.07.2022:: Date of Order- 20.07.2022
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B.P.Satapathy, J.** This matter is taken up through Hybrid
Arrangement (Virtual/Physical) Mode.

2. Heard Mr. S. Roy, learned counsel appearing for the Appellant-Company and Mr. D. Patnaik, learned counsel appearing for the Claimant-Respondent No. 1.

3. This appeal has been filed by the Appellant-Company challenging the Judgment dtd.25.01.2022 passed by the learned Joint Labour Commissioner –cum- Commissioner for Employee's Compensation, Cuttack in E.C. Case No.10-D/2021.

4. Mr. Roy, learned counsel for the Appellant-Company submitted that learned Tribunal while assessing the compensation at Rs.16,97,852/- (Rs. Sixteen lakh ninety seven thousand eight hundred fifty two) with interest Rs.1,84,063/- (Rs. One lakh eighty four thousand sixty three) never considered the plea raised by the Appellant-Company regarding acceptance of the evidence of the Doctor-P.W. 2, who has never examined the Claimant. It is also submitted that learned Commissioner illegally held the income of the Claimant by putting him as a skilled workman and by taking the minimum wages at Rs. 458/- (Rs. Four hundred fifty eight) per day. It is also submitted that during the relevant time the prescribed minimum wages was Rs.398/- (Rs. Three hundred ninety eight) per day. Making all such submission Mr. Roy prayed for interference of this Court.

5. Mr. Patnaik, learned counsel appearing for the Claimant-Respondent No. 1 though on the other hand supported the impugned Judgment, but failed to satisfy this Court with regard to the points raised by the Appellant-Company.

6. Heard learned counsel for the Parties. Perused the materials available on record. This Court after going through the same when

came to a finding that the Claimant-Respondent entitled to get compensation amount of Rs. 15,90,000/- (Rs. Fifteen lakh ninety thousand) consolidated. Mr. Patnaik, learned counsel appearing for the Claimant-Respondent supported the said view of this Court. Mr. Roy left the same to the discretion of this Court.

7. In view of such stand taken by the learned counsel appearing for the Parties, this Court while interfering with the impugned Judgment held the Claimant-Respondent will be entitled to get compensation amount of Rs. 15,90,000/- (Rs. Fifteen lakh ninety thousand) consolidated. Since it is submitted that the entire compensation has been deposited by the Appellant before the learned Commission, learned Commissioner is directed to release a sum of Rs. 15,90,000/- (Rs. Fifteen lakh ninety thousand) in favour of the Claimant-Respondent.

8. Learned Tribunal is further directed that on such disbursal of the amount in favour of the Claimant, the residue amount along with interest, if any, shall be released in favour of the Appellant-Company. The entire exercise shall be completed within a period of one (1) month from the date of receipt of this order.

9. The appeal is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
The 20th July, 2022/Sneha