

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.132 of 2021

Management Committee, Paradeep ***Appellant***
Port, Paradeep

Mr. A.P. Das, Advocate

-versus-

Pratima Swain and another ***Respondents***
Mr. J.D. Barik, Advocate for Respondent Nos.1 & 2

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
10.02.2022

Order No.

09.

1. Heard Mr. A.P. Das, learned counsel for the Appellant as well as Mr. J.D. Barik, learned counsel for the claimants-Respondent Nos.1 & 2.

2. In the present appeal, the judgment and award dated 22.4.2021 passed in E.C. Case No.17/2018 by the Commissioner for Employee's Compensation – cum – Divisional Labour Commissioner, Jagatsinghpur has been challenged wherein compensation to the tune of Rs.6,12,360/- has been granted to the claimants-Respondent Nos.1 & 2 on account of death of the deceased in course of and arising out of the employment.

3. Mr. A.P. Das, learned counsel for the Appellant challenges the impugned award on the ground that there was delay in raising the claim and secondly, the death being taken place in deceased's home at a distance place it cannot be connected with the employment of the deceased.

4. Having heard both the parties and without getting into the dispute further, the amount of compensation is reduced to Rs.5,50,000/- consolidated. Learned counsel for the claimants-Respondent Nos.1 & 2 agrees to the same and Mr. A.P. Das, learned counsel for the Appellant leaves it to the discretion of the Court.

5. Accordingly, the award amount is modified to the above extent that the Appellant is directed to pay consolidated amount of compensation of Rs.5,50,000/- (rupees five lakhs fifty thousand) to the claimants-Respondent Nos.1 & 2.

6. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.5,50,000/- along with proportionate accrued interest be disbursed in favour of the claimants-Respondent Nos.1 & 2 within a period of eight weeks from today and the balance amount along with accrued interest thereon shall be refunded to the Appellant within the same period on proper application.

7. With aforesaid modification of the award, the FAO is disposed of.

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

(B.P. Routray)
Judge