

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.146 of 2021

*The Divisional Manager, M/s. United
India Insurance Co. Ltd.*

.... *Appellant*

Mr. Mahitosh Sinha, Advocate

-versus-

Thukuri Pradhan and Others

.... *Respondents*

Mr. Jitendra Mohanty, counsel for Respondents 1-5

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

**ORDER
03.01.2022**

Order No.

I.A. No.262 of 2021

03. 1. In view of the office note the I.A. is disposed of.

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04. 2. Heard Mr. M. Sinha, learned counsel for the Appellant and Mr. J. Mohanty, learned counsel for claimant-Respondents.

3. The present appeal by the insurer has been directed against the judgment dated 15th April, 2021 of the learned Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack in E.C. Case No.09-D of 2020.

4. In the impugned judgment, the learned Commissioner upon adjudicating the dispute has directed for grant of compensation to the tune of Rs.9,56,487/- on account of death of the deceased.

5. As per the case of the claimants the deceased was working as a labourer in the truck bearing registration No.OR 19 K 1709 and died

on 14th June, 2018 in course of the employment. The learned Commissioner while determining compensation has taken the monthly income of the deceased at Rs.7000/-.

6. It is submitted by Mr. Sinha that the monthly wages of the deceased cannot be taken more than Rs.6000/- keeping in view the nature of his employment as a labourer of the truck.

7. Having heard learned counsel for the claimant – Respondents and considering the nature of employment and without getting into further details on computation of compensation, the awarded amount is reduced to Rs.6,75,000/- consolidated, to which learned counsel for the Respondents agrees.

8. Since the entire awarded amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.6,75,000/- (six lakh seventy-five thousand) along with proportionate interest accrued thereon be disbursed in favour of the claimant – Respondents and the balance amount along with interest accrued thereof shall be refunded to the Insurer – Appellant, without delay.

9. The appeal is accordingly disposed of.

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

(B.P. Routray)
Judge