

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.639 of 2020

***Divisional Manager,
Oriental Insurance Co. Ltd.***

.... Appellant
Mr.P.K.Mahali, Advocate

-versus-

Laxmi Putel and another ***.... Respondents***
Mr.B.Singh, Advocate for Respondent No.1

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

**ORDER
16.02.2022**

Order No.

4.

1. Heard Mr.Mahali, learned counsel for the Appellant and Mr.Singh, learned Advocate for claimant-Respondent No.1.

2. Present appeal by the Insurer is directed against the impugned judgment/award dated 9th June, 2019 passed by the Commissioner for Employee's Compensation and Divisional Labour Commissioner, Balasore in E.C.Case No.03 of 2016, wherein compensation to the tune of Rs.6,86,334/- has been awarded on account of death of the deceased arising out of and in course of his employment.

3. It is submitted by Mr.Mahali, learned counsel for the Appellant that as stated in the postmortem report since the deceased died due to severe dehydration from acute gastro enteritis, the same cannot be connected with his employment. It is also submitted that right factor for multiplier would be 205.95

instead of 207. 98 and as such the amount of compensation needs to be modified.

4. Having heard both parties and considering the admitted fact that the deceased, who was working as a helper in the truck and died on the way near Laxmannath Toll Gate while going from Kolkata towards Balasore after taking his dinner, the contention of the Appellant that the death of the deceased cannot be connected with the nature of employment is rejected.

5. So far as the quantum of compensation is concerned, in course of hearing, a reduced compensation to the tune of Rs.6,18,000/- (Six lakhs eighteen thousand) is proposed to the parties. Mr.Singh, learned counsel for the claimant-Respondent No.1 agrees to the same and Mr.Mahali, learned counsel for the Insurer-Appellant leaves it to the discretion of the Court. As such, the amount is fixed to such extent.

6. Since the entire award amount has already been deposited before the Commissioner for Employee's Compensation and Divisional Labour Commissioner, Balasore, the Commissioner is directed to disburse the modified award amount with proportionate accrued interest thereof in favour of the claimant within a period of two months from today. The balance amount with proportionate accrued interest thereof shall be refunded to the Appellant. The impugned award is modified to the above extent.

7. The appeal is accordingly disposed of.

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

(B.P. Routray)
Judge

CRBiswal

