

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.727 of 2019

Divisional Manager,
The New India Assurance Co. Ltd. ***Appellant***
Mr.Soumendra Kumar Ghose, Advocate
-versus-
Arjun Nayak and another ***Respondents***
Mr.Kalpataru Panigrahi, Advocate for Respondent No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
11.01.2022

Order No.

8.

1. This matter is taken up by video conferencing mode.
2. Heard Mr.Ghosh, learned counsel for the Appellant and Mr.Panigrahi, learned counsel for Respondent No.1.
3. The present appeal by the Insurer is directed against the judgment dated 27th April, 2019 passed by the learned Commissioner for Employee's Compensation-Cum-Divisional Labour Commissioner, Cuttack in E.C.Case No.294(A)-D of 2013, wherein compensation to the tune of Rs.15,41,943/- has been granted to the claimant on account of his injuries sustained in the accident dated 19th May, 2012 in course of employment.
4. The case of the claimant is that he was working as a Helper in a Mini Truck bearing Registration No.OR-05-AG-8392 and on the date of accident while climbing on the said truck for keeping goods slipped down and sustained fracture injuries on his left leg associated with other multiple injuries.

5. It is contended on behalf of the Appellant that monthly income of the claimant as well as the percentage of disability has taken on higher side resulting grant of compensation to the aforesaid tune. It is further submitted that without any valid disability certificate granted by appropriate medical board, the percentage of the disability has been assessed up to 80% resulting loss of earning capacity to the extent of 100%.

6. Having heard Mr.Panigrahi, learned counsel for Respondent No.1 and without getting into further dispute on the details of computations, the amount of compensation is reduced to Rs.8,25,000/-(Eight lakhs twenty five thousand) consolidated as agreed by Mr.Panigrahi.

7. Since the entire award amount has already been deposited before the Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Cuttack, it is directed that the Commissioner shall disburse the afore-stated consolidated amount of Rs.8,25,000/-(Eight lakhs twenty five thousand) to the claimant along with proportionate accrued interest within a period of eight weeks from today and the balance amount with accrued interest thereof be refunded to the Insurer-Appellant.

8. With the above direction, the appeal is disposed of.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th

April,2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January,2022.

(B.P. Routray)
Judge

C.R.Biswal

