

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.510 of 2016

Renu Devi and others

....

Appellants

Mr.B.N.Rath, Advocate

-versus-

Debasish Mohanty and another

....

Respondents

Mr.A.A.Khan, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

28.02.2022

Order No.

8.

1. Heard Mr.Rath, learned counsel for the Appellants and Mr.Khan, learned Advocate for Respondent No.2.
2. In view of the office note, notice on Respondent No.1 is treated as sufficient.
3. Present appeal by the Claimants- Appellants is directed against impugned judgment/award dated 17th June, 2016 passed by the Additional District Magistrate-Cum-Commissioner Employee's Compensation, Mayurbhanj in E.C.Case No.03 of 2012, wherein compensation to the tune of Rs.4,53,425/- has been paid on account of death of the deceased in course of his employment as a driver of Scorpio Van bearing registration No.OR-11J-6135.
4. It is submitted on behalf of the Appellants that despite admission of the owner about payment of fooding charges at Rs.60/- per day, learned Commissioner has only counted Rs.5000/- as wages without taking such additional daily expenses paid to the deceased.

5. Having heard both parties and upon perusal of the impugned award as well as averments of the owner and the claimants recorded therein, it is seen that the fooding charges besides payment of monthly wages to the deceased as admitted by the owner has not been considered by the learned Commissioner. However, in course of hearing, a further enhanced compensation to the tune of Rs.1,40,000/- consolidated is proposed to the parties. Mr.Rath agrees for the same and Mr.Khan, learned counsel for Insurer-Respondent No.2 leaves it to the discretion of the Court. As such, the compensation is enhanced to said extent.
6. The Insurer-Respondent No.2 is directed to deposit a further consolidated sum of Rs.1,40,000/-(One lakh forty thousand) before the Commissioner within a period of two months from today, which shall be paid to the claimants.
7. The appeal is accordingly disposed of.
8. Urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge