

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.685 of 2020

Akhirani Sahoo and others

Appellants

Mr. B. Singh, Advocate

-versus-

Janmaday Das and another

Respondents

Mr. P.K. Mahali, Advocate for Respondent No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

09.02.2022

Order No.

04.

1. Heard Mr. B. Singh, learned counsel for the Appellants-claimants as well as Mr. P.K. Mahali, learned counsel for the Respondent No.2-Insurance Company.

2. Present appeal by the claimants is against the order dated 9.9.2020 passed by the learned Commissioner for Workmen's Compensation-cum-Additional District Magistrate, Bhadrak in Workmen Compensation Case No.9/2017.

3. The case of claimants is that the deceased while working as the driver of Tipper bearing Registration No.OD-22-D-8836 died in course of his employment in an accident while driving the vehicle.

4. It is submitted on behalf of the Appellants that despite admission of the owner-Respondent No.1 and the police papers

which reveals employment of the deceased as driver of the Tipper, learned Commissioner rejected the claim outright on the ground of absence of any documentary proof with regard to engagement, contract or employment of the deceased as the driver.

5. Having heard both parties, the matter is remitted back to the learned Commissioner for adjudication of the claim afresh in accordance with law after giving opportunity of hearing to all the parties and considering all such contentions advanced on behalf of the claimants with regard to employment/engagement of the deceased as driver of the Tipper in question, and dispose of the same within a period of four months from the date of receipt of this order.

6. With the aforesaid directions, the appeal is disposed of.

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

(B.P. Routray)
Judge