

IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No.975 of 2019

***Divisional Manager, The New India
Assurance Company Ltd.***

.... ***Appellant***

Mr. Adam Ali Khan, Advocate

-versus-

Rangalata Mallick and Others

.... ***Respondents***

Mr. Subash Ch. Pradhan, counsel for Respondent No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
10.3.2022

Order No.

08. 1. Heard Mr. A.A. Khan, learned counsel for the insurer-Appellant and Mr. S.C. Pradhan, learned counsel for the claimant – Respondent No.1.
2. Present appeal by the insurer is directed against award dated 6th June, 2019 of the learned Commissioner for Employee's Compensation-cum-Divisional Labour Commissioner, Jajpur in E.C. Case No.124 of 2016 wherein compensation to the tune of Rs.9,09,130/- has been awarded on account of death of the deceased in course of his employment as labourer under the principal employer – M/s. Mesco Steels Ltd. (Respondent No.2).
3. It is submitted on behalf of the Appellant that the wage of the deceased has been taken at Rs.6000/- per month by the learned Commissioner, whereas as per the policy of insurance it should not exceed Rs.4000/- per month. It is further submitted that the death of

the deceased is by heart attack and this cannot be connected to the nature of employment of the deceased as a labourer.

4. The contention of the Appellant that the death of the deceased by heart attack cannot be connected to the nature of employment is rejected outright keeping in mind the nature of employment as labourer.

5. In respect of quantum of compensation, a reduced compensation of Rs.6,75,000/- consolidated is proposed in course of hearing. Mr. Pradhan agrees to the same and Mr. Khan leaves it to the discretion of the Court. As such the amount is fixed to the said extent.

6. Since the entire compensation amount has already been deposited before the learned Commissioner, out of the same a consolidated sum of Rs.6,75,000/- (six lakh seventy-five thousand) along with accrued interest thereof be disbursed in favour of the claimant – Respondent No.1 within a period of two months from today. The rest amount along with accrued interest thereon be refunded to the insurer – Appellant.

7. The appeal is disposed of.

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

(B.P. Routray)
Judge