

IN THE HIGH COURT OF ORISSA AT CUTTACK

FAO No.322 of 2021

The Divisional Manager, M/s.Oriental Insurance Co. Ltd., Bajrakabati Road, Cuttack *Appellant*

Mr. S.K. Swain, Advocate

-versus-

Basudeb Sahoo and another *Respondents*
Mr. P.K. Mishra, Advocate for Respondent No.1

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

**ORDER
07.02.2022**

Order No.
02.

1. Heard Mr. S.K. Swain, learned counsel for the Appellant-Insurance Company as well as Mr. P.K. Mishra, learned counsel for the claimant-Respondent No.1.

2. In the present appeal, the judgment and award dated 30.10.2021 passed in E.C. Case No. 277-D/2015 by the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner, Cuttack has been challenged wherein the total compensation to the tune of Rs.10,27,991/- has been paid to the claimant-Respondent No.1 on account of his injury sustained in course of his employment as helper in the Truck bearing Registration No.OIS-4375.

3. It is submitted by learned counsel for the Appellant that the learned Commissioner has assessed permanent disability and consequent loss of earning capacity excessively. Further, learned Commissioner without referring the claimant for examination by

the medical board and rejecting the application of the Appellant in that regard, has wrongly arrived at such conclusion resulting grant of higher amount of compensation.

4. Having heard both the parties and without getting into the dispute further, the amount of compensation is reduced to Rs.8,25,000/- consolidated. Learned counsel for the claimant-Respondent No.1 agrees to the same.

5. Accordingly, the award amount is modified to the above extent that the Appellant-Insurance Company is directed to pay consolidated amount of compensation of Rs.8,25,000/- (rupees eight lakhs twenty-five thousand) to the claimant-Respondent No.1.

6. Since the entire award amount has been deposited before the learned Commissioner, out of the said amount, a sum of Rs.8,25,000/- along with proportionate accrued interest be disbursed in favour of the claimant-Respondent No.1 within a period of eight weeks from today and the balance amount along with accrued interest thereon shall be refunded to the Appellant-Insurance Company within the same period on proper application.

7. With aforesaid modification of the award, the FAO is disposed of.

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

(B.P. Routray)
Judge