



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.2177 of 2025

Sumitra Panna

.....

Petitioner

Represented By Adv. –

Mr. Siddharth Prasad Mishra

-versus-

***1) State Of Odisha, represented
through the Secretary to the
Government, Labour and E.S.I.
Department, Bhubaneswar***

.....

Opposite Parties

***2) The Labaour Commissioner,
Odisha, Bhubaneswar***

Represented By Adv. –

Mr. U.C. Jena, ASC

***3) Chairman Building and Other
Construction Workers' Welfare
Board, Bhubaneswar***

4) The Collector, Sundargarh

***5) The District Labour Officer,
Rourkela***

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

31.01.2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties. Perused the writ petition as well as the documents annexed thereto.

3. The present writ petition has been filed by the Petitioner, who is the wife of the deceased construction



worker, claiming ex-gratia payment as permissible under Rule-271(1) of the Odisha Building and Others Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002.

4. Learned counsel for the Petitioner, at the outset, submitted that the predecessor-in-interest of the present Petitioner died a normal death while working as a construction worker. Therefore, the Petitioner is entitled to get the death benefit as has been provided under Rule-271(1) of the Odisha Building and Others Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002 to the tune of Rs.2,00,000/-. Learned counsel for the Petitioner further contended that the husband of the present Petitioner, Chaman Panna, died a normal death, while he was working as a construction worker, leaving behind the present Petitioner as his legal heir. Learned counsel for the Petitioner, further referring to the Odisha Building and Others Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002, submitted that the Petitioner is entitled to death benefit, which is ex-gratia in nature, to the tune of Rs.2,00,000/-. However, due to inaction of the Opposite Parties, the Petitioner has not been extended the death benefit as has been provided in the rules. Being aggrieved by such inaction of the Opposite Parties, the Petitioner has



approached this Court by filing the present writ petition.

5. Learned counsel for the State, on the other hand, submitted that the Petitioner should have approached the Welfare Board which has been constituted under Section-18 of the Odisha Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 and under Rule-248 of the Odisha Building and Others Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002. In such view of the matter, learned counsel for the State submitted that since the claim of the Petitioner is to be entertained by the Welfare Board under the Regulation Act and Rules, the present writ petition before this Court is not maintainable. On such ground, learned counsel for the State submitted that the writ petition is not maintainable and, accordingly, the same may be dismissed.

6. Having heard the learned counsels appearing for the respective parties and on a careful examination of the materials on record, further keeping in view the fact that the Petitioner is a poor widowed lady, she is given liberty to approach the Welfare Board constituted under Section 18 of the Act of the State of Odisha, within four weeks from today. In such eventuality, the Board shall consider the same in terms of the rules and pass necessary orders within a period of eight weeks from the date the Petitioner



approaches the Board along with a certified copy of this order. Any decision taken by the Board shall be communicated to the Petitioner within two weeks thereafter.

7. With the aforesaid observation and direction, the writ petition is disposed of.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 03-Feb-2025 11:21:17

