IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No. 70 of 2026
CNR No.ODHCO10075412026

Zonal Manager, M/s. Phone Pe Ltd. State Head Odisha, BBSR and Another	.....	***Appellants*** Mr. R.C. Panigrahy, Adv.
	-versus-	
Hrudananda Swain and Others	.....	***Respondents*** *M*r. D. Patnaik, Adv. (for Res. Nos.1 & 2)

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
06.11.2026

Order No. 03

1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the parties.

3.This appeal has been filed *inter alia* challenging the award passed by the learned Joint Labour Commissioner-cum Commissioner for Employee's Compensation, Cuttack in E.C. Case No.02 of 2024. Vide the said judgment dtd.20.11.2025, learned Commissioner held the Appellants-claimants entitled to get compensation amount of Rs.20,28,329/- within a period of 30 days from the date of the order, failing which 50% penalty along with interest @ 12% per annum on the awarded amount of compensation,

3.While assailing the impugned award, learned counsel appearing for the appellant contended that there is no material on record to prove that there is employer and employee relationship between the deceased and the appellants.

3.2. It is further contended that due to the contained bar under Section 53 of the ESI Act, 1948 and subsequent legislation to Employee Compensation Act, 1923, learned Commissioner should have dismissed the claim application of the claimants-respondents.

3.3. Making all these submissions, learned counsel for the appellants contended that the impugned award needs interference of this Court.

4.Even though Mr. D. Pattanaik, learned counsel appearing on behalf of Respondents supported the impugned judgment, but contended that Claimants-Respondents Nos.1 & 2 will be fully satisfied, if this Court will allow compensation amount of Rs.8,00,000/- consolidated in favour of Respondents No.1 & 2 along with accrued interest on the said sum.

5.Learned counsel for the Appellant to the aforesaid submissions of the learned counsel for the Claimants-Respondents No.1 & 2 left the same to the discretion of this Court.

6.Having heard learned counsel for the parties and considering the submissions made, this Court while interfering with the impugned judgment, held the Claimants-Respondents No.1 & 2 entitled to get compensation amount of Rs.8,00,000/- consolidated along with accrued interest if any in full and final settlement of their claim. While holding so, this Court directs learned Commissioner to release an amount of Rs.8,00,000/- consolidated in favour of the Claimants-Respondents No.1 & 2 within a period of 4(four) weeks from the date of receipt of this order along with accrued interest on the deposited amount, if any. Residue amount along with accrued interest if any, be released in favour of the appellant-company within the aforesaid time period also.

7.The appeal is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

Signature Not Verified
Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 09-Nov-2026 16:33:47