



IN THE HIGH COURT OF ORISSA AT CUTTACK
FAO No. 20 of 2026

The Divisional Railway
Manager, East Coast Railway,
Khurda

Appellant
Mr. D.N. Pattnayak, SPC

-versus-

Gitanjali Behera & Ors.

Respondents
Mr. S. Satpathy, Advocate
(Respondent Nos. 1 to 4)

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
24.07.2026

Order No.03

1. This matter is taken up through hybrid mode.
2. Heard Mr. D.N. Pattnayak, learned Sr. Panel Counsel appearing for the Appellant and Mr. S. Satpathy, learned counsel appearing for the Respondent Nos. 1 to 4.
3. The present appeal has been filed by the Appellant-Railway challenging judgment dtd.28.10.2025 so passed by the Commissioner for Employees Compensation-cum-Joint Labour Commissioner HQRS, Bhubaneswar in E.C. Case No. 8 of 2022. Vide the said judgment, learned Commissioner while allowing the claim application so filed by the Claimants-Respondents, directed the Appellant-Railway to pay the compensation amount of Rs.53,33,656/- along with interest @ 12% per annum from the date of accident till the date of actual payment, failing which 50% penalty



along with interest @ 12% interest on the total awarded amount shall be realised.

4. Learned Senior Panel Counsel appearing for the Appellant while assailing the impugned judgment, vehemently contended that the deceased was working as a Senior Goods Guard under the Railway and on the relevant date and time, he died while on duty because of severe heart attack. Accordingly, it is contended that since the deceased died due to heart attack, it cannot be held that he died because of any injury sustained by accident in course of his employment in terms of the provisions contained under Sec. 3 of the Employees' Compensation Act, 1923.

4.1. It is also contended that even though such a plea was taken by the Railways before the learned Commissioner, but without proper appreciation of the same, learned Commissioner allowed the claim application by passing the impugned judgment dtd.28.10.2025 under Annexure-1.

4.2. Not only that in support of his submission, learned Sr. Panel Counsel also relied on a decision of the Hon'ble Apex Court in Special Leave Petition (C) No. 29239 of 2019 (***The Chairman, Vaidyanath Sahakari Sakhar Karkhana Ltd. & Anr. Vs. Shantabai & Anr.***) disposed of on 13.02.2025. Hon'ble Apex Court in Para 15, 16 & 17 of the Judgment has held as follows:-

"15. The word "accident" generally denotes an event that takes place without one's foresight or expectation; an event which proceeds from an unknown cause, or is an unusual effect of a known cause, and therefore not expected; chance, casualty, contingency (Webster Dictionary).



16. In other words, an “accident” being an unforeseen event causing a misfortune or loss is different from an omission which is as a result of negligence or misconduct. Therefore, the expression “accident” means an untoward mishap which is not expected or designed. In the context of the Act under consideration, the term “accident” for the purpose of seeking compensation for personal injuries sustained would include any injury which is not designed by the workman himself. Thus, the word “accident” would include all mishaps occurring by chance or caused unintentionally and events happening due to unforeseen circumstances under [Section 3\(1\)](#) of the Act. It must be interpreted as mishap or “untoward event not expected or designed” in the popular and ordinary sense. If the injury or death occurred without designed on the part of the workman then the death or injury would be by accident, although it was brought about by a heart attack or some other cause to be found in the condition of the workmen himself. The expression “accident” not being defined under the Act must be interpreted to be an untoward event which is not expected or designed; therefore, an accident means unintended and unexpected occurrence which produces hurt or loss. The interpretation of the word “accident” must be in the popular and ordinary sense and not in a technical sense. Thus, the expression “accident” arising out of and in the course of his employment in [Section 3\(1\)](#) of the Act must be so interpreted as to establish that (1) at the time of the accident he was in fact engaged in the duties of his employment; (2) that it occurred at the place where he was performing those duties; and (3) that the immediate act which led to the accident is not so remote from the sphere of his duties so as to be regarded as something foreign to them.

17. In [Shakuntala Chandrakant Shreshti vs. Prabhakar Maruti Garvali & Another](#), (2007) 11 SCC 668, while applying [Section 3](#) of the Act, this Court observed that the tests attracting the provision of [Section 3](#) of the Act would require the following principle to be proved:

- (1) There must be a causal connection between the injury and the accident and the accident and the work done in the course of employment.
- (2) The onus is upon the applicant to show that it was the work and the resulting strain which contributed to or aggravated the injury.
- (3) If the evidence brought on records establishes a greater probability which satisfies a reasonable man that the work contributed to the causing of the personal injury,



it would be enough for the workman to succeed, but the same would depend upon the fact of each case."

4.3. Mr. S. Satpathy, learned counsel appearing for the Claimants-Respondents on the other hand while does not dispute that the deceased died due to heart attack on the fateful date, but contended that since the deceased died while on duty and discharging the duty being the holder of a technical post, the claim application was rightly entertained by the learned Commissioner with passing of the impugned judgment.

4.4. Learned counsel appearing for the Claimants-Respondents also placed reliance on the aforesaid decision, more particularly Para 17, 18 & 19 of the Judgement, which reads as follows:-

"17. In [Shakuntala Chandrakant Shreshti vs. Prabhakar Maruti Garvali & Another](#), (2007) 11 SCC 668, while applying [Section 3 of the Act](#), this Court observed that the tests attracting the provision of [Section 3 of the Act](#) would require the following principle to be proved:

(1) There must be a causal connection between the injury and the accident and the accident and the work done in the course of employment.

(2) The onus is upon the applicant to show that it was the work and the resulting strain which contributed to or aggravated the injury.

(3) If the evidence brought on records establishes a greater probability which satisfies a reasonable man that the work contributed to the causing of the personal injury, it would be enough for the workman to succeed, but the same would depend upon the fact of each case.

18. In the said case, taking note of the fact that the deceased died as a result of heart attack and he was working as a helper, it was observed that per se the duties would not be such which would cause stress and strain. If an additional duty was required to be performed by the deceased, the same was



required to be clearly stated. In the facts of the said case, this Court declined to grant any relief and observed that the case did not fall within the scope and ambit of [Section 3](#) of the Act.

19. We have considered the aforesaid judgments in light of the facts of the present case and perused the material on record. Having regard to the nature of the job that the deceased was performing as a Quadruple mate in the appellant-Factory and the cause of his death, we find that there was a causal connection between the death and the nature of the job that the deceased workman was discharging in the appellant-factory."

5. Having heard learned counsel appearing for the Parties, considering the submission made and the fact which is not disputed that the deceased was working as a Senior Goods Guard, he died while in duty because of severe heart attack. The Claimants claiming compensation in terms of the provisions contained under Sec. 3 of the Act, made the application in E.C. Case No. 8/2022. The same was allowed vide the impugned judgment dtd.28.10.2025 under Annexure-1.

5.1. Placing reliance on the provisions contained under Sec. 3 of the Act and the decision in the case of ***The Chairman, Vaidyanath Sahakari Sakhar Karkhana Ltd.*** so cited (supra), this Court is of the view that the matter requires a fresh adjudication by the learned Commissioner. It is also the view of this Court that the provisions contained under Sec. 3 of the Act has not been properly appreciated by the learned Commissioner while deciding the issue in favour of the Claimants and so also the view expressed by the Apex Court in the above noted decision.



5.2. In that view of the matter, this Court while quashing the impugned judgment dtd.28.10.2025 under Annexure-1, remits the same to the learned Commissioner for fresh disposal in accordance with law and by following the decision in the case of ***The Chairman, Vaidyanath Sahakari Sakhar Karkhana Ltd..***

5.3. This Court directs learned Commissioner to decide the issue afresh as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of this order. Both the Parties are directed to cooperate for disposal of the matter.

6. The appeal accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha