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GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 64/AIL/Lab./S/2025,
Puducherry, dated 5th December 2025)

NOTIFICATION

Whereas, an Award in I.D (L) No. 54/2017, dated 13-06-2025 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of a Dispute between M/s. Godrej Consumer Products Limited, R.S.No. 131,131/1-4, Kattukuppam, Manapet Post, Cuddalore Road, Puducherry-607 402 and Thiru S. Senthil Kumar, 109E. No. SG, Type – 1 Quarters, Block – 5, Neyveli TS, Cuddalore District-607 803, over non-employment and back wages have been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the Notification issued in Labour Department's G.O. Ms. No. 20/9/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

S. SANDIRAKUMARAN,
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT AT PUDUCHERRY**

Present : Tmt. G.T. AMBIKA, M.L., PGDCLCF.,
Presiding Officer.

Friday, the 13th day of June 2025.

**I.D. (L) No. 54/2017
CNR. No. PYPY06-000083-2017**

Thiru S. Senthil Kumar,
109 E.No. 8G, Type - 1 Quarters,
Block - 5, Neyveli TS,
Cuddalore District-607 803. . . Petitioner

Versus

The Managing Director,
M/s. Godrej Consumer Products Limited,
R.S.Nos. 131 and 131/1-4, Kattukuppam,
Manapet Post, Cuddalore Road,
Puducherry-607 402. . . Respondent

This Industrial dispute coming on this day before me for hearing in the presence of Thiru S. Parthasarathi, Counsel for the Petitioner, Thiruvallargal L. Swaminathan

and I. Iankumar, Counsels for the Respondent upon hearing both sides and perusing the case records, after having stood over for consideration till this day, this Court passed the following:

AWARD

1. This Industrial Dispute arises out of the reference made by the Government of Pondicherry *vide* G.O. Rt. No. 163/AIL/Lab./T/2017, dated 24-10-2017 of the Labour Department, Pondicherry to resolve the following dispute between the Petitioner and the Respondent, *viz.*,

(i) Whether the dispute raised by the Petitioner Thiru S. Senthil Kumar against the Management of M/s. Godrej Consumer Products Limited, Puducherry over non-employment and back wages is justified or not? If justified, what is the relief entitled to?

(ii) To compute the relief, if any, awarded in terms of money, if it can be so computed.

2. *The averments in the Claim Statement of the Petitioner are as follows :*

The Petitioner had been in service at the Respondent Establishment for more than 18 years from 1997. The Petitioner, during his service, did not give room for any wrongs and worked by accepting and implementing all legal Orders of the Respondent Management. In the Respondent Establishment, 83 permanent workers in the name of Line Supervisor, 15 permanent workers in the name of Grade M7, 10 permanent workers in the name of Grade M6, 410 workers in the name of Grade M and 2000 contract labourers were working. The Grade M workers, 410 in numbers only were joined and acted in the Trade Union. There is no remark at all against the Petitioner so far by the Respondent Management during his period of service. The Petitioner was given promotion by the Respondent Management in the year 2007 after 10 years of service as Grade S and wage increment was also given for the said year. Thereafter, the wage increment was denied to the Petitioner for the year 2008-2009 and 2009-2010. The Petitioner demanded the Respondent Management to pay the wage increment time and again but, the same was not considered by the Respondent Management.

(ii) That in the year 2010, the Respondent Management had transferred the Petitioner to Maraimalai Nagar, Chennai Branch. Wherein, also, the Petitioner was serving excellently. Based on that, the Petitioner was given wage increment for the said year. While being so, in view of his family situation, the Petitioner requested for transfer to Puducherry. Since, the Respondent Management has not given proper

reply, on 30-09-2011, the Petitioner has sent a letter of requisition for transfer to the Assistant Vice President, Head Office at Mumbai through e-mail. Based on that, the Petitioner was transferred to Karaikal by the Respondent Management. Since, the Petitioner got transfer Order by straight forwardly contacting the Head Office at Mumbai, the Respondent Management denied the wage increment to the petitioner by vengeance. Meanwhile, in the year 2015, the workers of the Respondent Establishment were given wage increment as a result of Wage Increment Settlement. But, the wage increment was not given to the Petitioner. When it was questioned by the Petitioner, the Respondent Management stated that the Petitioner is not a member of the Trade Union and based on the Wage Increment Settlement entered between the Management and the Trade Union, the wage increment was implemented and wage increment will be implemented later to the petitioner and similar workers. Thereafter also, the wage increment was not given to the Petitioner. The Respondent Management has given show cause Notices to the Petitioner on 14-06-2016 and also on 29-01-2016 stating that his performance was not satisfactory. In the abovesaid Notices, it was commonly mentioned that the performance of the Petitioner in the year 2014-2015 was not satisfactory and the said Notices did not mention about the details that on what basis the performance of the Petitioner was not satisfactory. The Petitioner has given a detailed explanation through his letter, dated 05-02-2016 to the abovesaid Notices. While so, the Petitioner was terminated by the Respondent Management on 08-03-2016 without any notice and without assigning any reason. The act of termination by the Respondent Management is against the Section 25H of the Industrial Disputes Act.

(iii) That on 10-03-2016, the Petitioner has raised an industrial dispute over his termination before the Labour Officer, Puducherry. Wherein, on 31-05-2016, the Respondent Management has filed Reply Statement by stating that, "the Petitioner is not a workman, he was working as Officer in the Respondent Establishment" and therefore, he has no right to raise the industrial dispute and he was dismissed as his performance, during the year 2012-2015, was not satisfactory. The Petitioner has never been in service as Officer at the Respondent Establishment and the Respondent Management has never given the powers of Officer to the Petitioner. The Petitioner served as a worker. The Respondent Management has never issued any show cause

Notice before 14-01-2016 to the Petitioner. After the requisition submitted by the Petitioner regarding wage increment, the Respondent Management has given show cause Notices. While pending of the industrial dispute, on 20-04-2016, the Respondent Management has sent a letter along with a cheque for ₹ 80,323 for full and final settlement to the Petitioner. The Petitioner has returned the cheque through a letter, dated 27-04-2016. As the Management did not accord for any amicable settlement, on 22-10-2017; the Conciliation Officer has sent a Conciliation Failure Report. The Petitioner has lastly drawn ₹ 16,151 as his salary. The Petitioner and his family suffered a lot after his termination. The Petitioner has not committed any misconduct and the Respondent Management has not taken any disciplinary proceedings against the Petitioner. As the Petitioner has claimed his legal benefits of wage increment, the Respondent Management to victimize the petitioner terminated his service from 08-03-2017. It is against the principles of natural justice. Therefore, the Petitioner prayed this Court to pass an Order to set aside the Order of termination passed by the Respondent Management against the Petitioner and to Order the Respondent Management to reinstate the Petitioner with continuity of service with full back wages and other attendant benefits.

3. *The averments in the Counter Statement of the respondent are as follows :*

The Industrial Dispute raised by the Claim Petitioner herein is *per se* not maintainable either on Law or on facts. That Thiru. S. Senthil Kumar is a Diploma Holder in Mechanical Engineering and was previously employed in M/s. Shasayee Industries Limited as Junior Engineer in the Machine Shop Department with effect from 05-08-1988 to 07-10-1991. That the petitioner submitted an Application dated 20-09-1996 to the M/s. Godrej Hi - Care Limited, Puducherry that he has experience in the mechanical field clearly emphasizing the being Diploma Holder in Mechanical Engineering and requested for suitable Job. That the Management had offered the post of Maintenance Supervisor with a Gross Salary of ₹ 2,500 per month through Order, dated 02-04-1997. Thereafter the Management had issued a Letter dated 08-11-1997 highlighting the terms and conditions of the appointment which is self-explanatory that the Petitioner is not a Workman as defined under Section 2 (s) of the Industrial Disputes Act. Being an Officer on Supervisory level, the Petitioner also executed an Agreement on confidentiality and non-competition with M/s. Godrej Sara Lee Limited which would again establish the fact that the Petitioner is not a

Workman. Confirmation order, dated 23-02-1998 for the post of Supervisor-Maintenance was issued to the petitioner by the management and testimonial was issued on 21-02-2007 which confirms the status of Supervisor-Maintenance since, 04-04-1997. Further, the Petitioner was promoted as Officer-Production in the year 2007.

(ii) While being so, the performance of the Petitioner was remained unsatisfactory for the financial years 2012-2015 and in spite of opportunities accorded, the improvement never seems to have taken place and the Superiors of the Petitioner through their internal note clearly highlighted the unsatisfactory performance of the Petitioner for the said financial years. So, he was called upon to explain as to why the services should not be terminated through Show Cause Notice, dated 29-01-2016 to which the Petitioner had submitted a detailed letter dated 05-02-2016 in Tamil was not satisfactory to the management and so he was terminated from Service with effect from 09-03-2016 in terms of the terms and conditions of the Employment *vide* Letter, dated 08-03-2016 and the same was sent through Registered Post. The Learned Labour Officer (Conciliation), Puducherry in a usual manner had entertained this Petition of non-employment at the initial instance and thereafter submitted failure of Conciliation to the Secretary to Government (Labour), Puducherry who in turn had referred the Industrial Dispute for adjudication before this Court. That the Petitioner has no *locus standi* to raise an industrial dispute as against the Termination of Services, dated 09-03-2016. Since, the Petitioner is not a Workman, the provisions of the standing order would not be applicable to him. That the Petitioner being Officer-Production in the Respondent Management would not fall under the definition of section 2 (s) of the Industrial Disputes Act and this Court has no jurisdiction to decide this dispute. That the Petitioner was terminated from services due to unsatisfactory performance only based on the terms and conditions of employment and not as depicted by the Petitioner. Therefore this Petition deserves to be dismissed as devoid of merits, non-maintainable on the ground of jurisdiction.

4. Points for determination :

1. Whether the petitioner was working as a workman or officer (production) in the cadre of officer in the respondent company?

2. Whether the termination of petitioner by respondent is valid?

3. Whether the dispute raised by the petitioner over his non-employment and back wages is justified?

4. Whether the petitioner is entitled for the reliefs as claimed in the claim petition?

5. To what other reliefs?

5. On the side of the Petitioner, PW1 was examined and Exs.P1 to P8 were marked, PW2 was examined and Exs.P9 to P22 were marked and PW3 was examined and no exhibits were marked. On the side of Respondent, during the cross-examination of PW1, Exs.R1 to R28 were marked and during the cross-examination of PW2, Exs.R29 to R31 were marked, RW1 was examined and Ex.R32 to R36 were marked.

6. On point No's.1 to 5 :-

The contention of the petitioner is that in the respondent company there were 83 permanent employees in the designation of Line supervisor and 50 permanent employees in the grade M7 and 10 permanent employees in grade M6 and 410 employees in Grade-M and 2000 contract employees and from the said employees the Grade-M employees alone were attached to the Trade Union and the nature of work for the petitioner in the respondent company is that he was directly involved in the work of production and inspect the produced products and rectify the defects occurred then and there at time of production and help in restarting the production activity and planning to get good yield in the production. The further contention of the petitioner is that the petitioner had joined in the respondent company in the year 1997 and worked in the respondent company without any blemish records and further for 10 years the petitioner was working in the Grade S and later in the year 2007 the petitioner was promoted and given increment and later the petitioner was denied increment for the year 2008-2009, 2009-2010 in spite of various representations and while so, the petitioner was transferred to Maraimalai Nagar and based upon his performance the petitioner was given increment and in the said circumstances due to the family situation the petitioner had to seek transfer to Puducherry, but, as there was no any proper response from the management the petitioner had sent his requisition letter for transfer through E-mail to the Head Office at Mumbai and thereupon the petitioner was transferred to Karaikal.

7. It is the further contention of the petitioner that as the petitioner had directly contacted the Head Office and obtained transfer, the management began to treat

the petitioner with vengeance and denied any wage revision thereafter onwards and further when, wage revision was given to all the employees as per wage settlement in the year 2015 the petitioner was denied wage revision stating that the wage revision was given based on the settlement arrived between the management and the Trade Union and thereby the wage revision was given only to those employees who were the members of Trade Union and the petitioner was not given any wage revision since, he was not the member of the said Trade Union and therefore, the petitioner gave a representation, dated 21-12-2015 for wage revision and the management after receiving the same has issued show cause notice, dated 14-01-2016 and 29-01-2016 seeking explanation from the petitioner stating that the performance of the petitioner for the period 2014-2015 was not satisfactory and later the petitioner had submitted his explanation on 05-02-2016 but, the management terminated the petitioner from service on 08-03-2016 without any prior intimation and due enquiry and the management took a stand before the Labour Officer (Conciliation) stating that the petitioner is not a workman and was working in the cadre of an officer and therefore, the petitioner is not entitled to get any relief under the Industrial Disputes Act, 1947 (hereinafter for brevity referred as Industrial Dispute Act) but, infact, though the designation of the petitioner was officer production but the petitioner at no point of time was neither working as an officer nor was given any powers that of an officer and he worked only as a workman and further during the pendency of conciliation proceedings, the respondent had sent a cheque for a sum of ₹ 80,323 along with the letter, dated 20-04-2016 stating that the said sum was given as full and final settlement but the petitioner had returned the said cheque to the management along with his letter, dated 27-04-2016 since, he was victimized by the respondent without any prior intimation and proper enquiry.

8. Whereas, the contention of the respondent is that the Industrial dispute raised by the petitioner is not maintainable since, the petitioner is not a workman and was working only as an officer in the respondent company. The respondent further contended that initially the petitioner was working as Supervisor-Maintenance and subsequently in the year 2007, the petitioner was promoted as officer-production and thereafter the performance level of the petitioner for the financial years 2012-2015 were not satisfactory and therefore, a show cause notice dated 29-01-2016 was issued to the petitioner for which the petitioner had submitted a detailed letter, dated 05-02-2016 and as the petitioner failed to improve himself in spite of several opportunities provided to him and as the reply given

by the petitioner was unsatisfactory the petitioner was terminated from service with effect from 09-03-2016. It is the further contention of the respondent that as the petitioner was not a workman, the provisions of standing order would not be applicable to the petitioner and infact the petitioner would be governed by the terms and conditions of the employment order.

9. In this case, the fact that the petitioner was appointed in the respondent company in the year 1997 as Supervisor-Maintenance as per Ex.R5 and promotion of the petitioner in year 2007 as Officer (Production) in grade M7 as per Ex.R6 and termination of the petitioner on 8-3-2016 as per Ex.R21 and the petitioner at the time of termination was in the post of Officer (Production) in grade M7 is admitted by both parties. The parties are at dispute by contending that according to the petitioner though his designation was of Officer (Production) in grade M7 but, the petitioner neither worked as an officer nor given any powers exercised by an officer and he worked only as a workman and therefore the petitioner has *locus standi* to raise this dispute and the other contention of the petitioner is that without affording proper intimation, proper opportunities and without any due enquiry as contemplated under the Industrial Dispute Act, the petitioner was terminated from the service.

10. *Per contra*, the core contention of the respondent is that at the time of termination the petitioner was posted as Officer (Production) in grade M7 and the said post is an officer cadre post and therefore the petitioner not being a workman as contemplated under section 2(s) of Industrial Dispute Act is not entitled to raise this dispute or seek any relief under the Industrial Dispute Act. The next contention of the respondent is that as the petitioner was posted as Officer (Production) in grade M7, the provisions of model standing order is not applicable to the petitioner and the petitioner is governed by the terms and conditions of employment order that is Ex.R5 which states that the service of the petitioner can be terminated without notice or salary *in lieu* of notice at the discretion of the management.

11. Thus, according to the petitioner he was working as workman and according to the respondent the petitioner was not a workman but on other hand was working as an officer. The points upon which the petitioner relies to substantiate that he was a workman is as follows:

(i) Though the designation of the petitioner was Officer (Production) in grade M7 but the petitioner neither worked as an officer nor given any powers exercised by an officer and he worked only as a workman.

(ii) The petitioner was not given any power of appraisal or to approve or reject the leave applications of employees working in the respondent company.

(iii) The petitioner was not authorised to take any disciplinary action against the employees working in the respondent company.

(iv) Though the employees were working as workmen but the respondent management to prevent the workmen from joining in any Trade Union and also with an intention to deceive its workmen from getting the legally entitled benefits and privileges has given various attractive designations such as Officers, Supervisors and Administrative officers.

12. *The learned Counsel for petitioner has relied upon the following citations :*

1. (2006) 6 Supreme Court Cases 548

Anand Regional Coop Oil . . Appellant
Seeds growers' Union Ltd.

Versus

Shaileskumar Harshadbhai . . Respondent
Shah

A. Labour Law – Industrial Disputes Act, 1947 – S.2(s) (iv) – Whether the employee worked in a supervisory capacity and was not a workman – Test to determine – Supervision - Concept of Held, not only the nature of his work but also the terms of appointment in the job are relevant considerations – Supervision contemplates direction and control – Hence, in determining the nature of work, essence of the matter should be considered and the designation of the employee or the name assigned to his class should not be given undue importance – Primary duties performed by him are more important – Existence of subordinates whose work is required to be supervised is *sine qua non* to prove supervisory work – An employee in charge of a section and that too a small one in the quality control department of an oil seed growers' cooperative society, without any authority to initiate departmental proceedings against the subordinates, held, did not fall within the scope of S.2(s)(iv) – Words and phrases – “supervision”

2. (1983) 4 Supreme Court Cases 293

D.P. Maheshwari . . Appellant

Versus

Delhi Administration and . . Respondents
others

Labour and Services – Industrial Disputes Act, 1947 – Section 2(s) – Occasional entrustment of supervisory, managerial or administrative work will not take a person, mainly discharging clerical duties, out of the purview of section 2(s).

3. (1983) 4 Supreme Court Cases 214

S.K. Verma . . Appellant

Versus

Mahesh Chandra and . . Respondents
another

Labour and Services – Industrial Disputes Act, 1947 – section 2(s) – Development Officers of L.I.C. are ‘workmen’ – Designation or name of post not decisive – Factors to be considered - Life Insurance Corporation of India (Staff) Regulations, 1960.

4. (2002) 4 Supreme Court Cases 490

Sharad Kumar . . Appellant

Versus

Government of NCT of Delhi . . Respondents
and others

Labour Law – Industrial Disputes Act, 1947 – Ss. 2(s), (k), 10(1) and 12(5) and (4) – Workman – If a particular person is - How and by whom to be determined – Held, has to be determined on the basis of types of his duties and not merely on the designation of his post – The question requires examination of factual matters for which materials including oral evidence have to be considered - Hence, the appropriate Government exercising its administrative jurisdiction under S. 10(1) read with S.12(5), ID Act for the limited purpose of determining whether the dispute was an industrial dispute within S. 2(k), could not claim the power to adjudicate upon such a question and could not merely on the basis of the designation hold that an Area Sales Executive was not a workman – Such a question should be decided by Industrial Tribunal or Labour Court on the basis of materials produced by the parties – Hence, Supreme Court directing the State Government to refer to Industrial Tribunal or Labour Court the question of legality of termination of Service of Area Sales Executive as well as the question whether he was a workman under the Act.

13. The learned Counsel for respondent stressed upon the following points to substantiate that the petitioner was not a workman and was only an officer:

(i) The petitioner was a holder of Diploma in Mechanical Engineering (Ex.R1).

(ii) That the petitioner prior to joining in the respondent company was previously working in cadre as Junior Engineer in Machine shop Department at Seshasayee Industries Ltd., as per Ex.R3.

(iii) As per Ex.R5 appointment order, dated 8-11-1997, it was stated that the petitioner will be a member of Management grade placed under classification 'S'.

(iv) As per Ex.R6, the petitioner was promoted as "Officer (Production)" in grade "M7" with effect from 01-02-2007 and had been working in the said post till the date of termination on 08-03-2016.

(v) In Ex.R32, the Integrated Management System Manual of the respondent company the Roles, Responsibility, Authority and Accountability for an Officer/Executive/Sr.Executive-production is depicted as follows:

**Officer/Executive/Sr.Executive – PRODUCTION
Responsibility**

- To plan and perform production under controlled conditions.
- To ensure availability of approved equipment's.
- To establish and maintain the implemented system with continual improvement in performance.
- To ensure suitable maintenance of equipment's for smooth processing.
- To run pilot batches of newly developed/ designed products.
- To comply with IMS standards and documented procedures.
- To control non-conformity of product and take appropriate action to avoid occurrence of the same.
- To ensure safe and suitable working environment including PPEs supply.
- To assist in Production trial runs and validation process.
- To identify training needs for production staff and workers.
- To improve and maintain QACI, SHMS RRI and TPM requirements.
- To coordinate with Manpower contractor (external) for Manpower management on daily basis.

Authority:

- To decide and allocate manpower for the production process.
- To ensure IMS requirements are in place.
- To approve or reject leave request of workers based on the production requirement.

Accountability:

- Zero lost time incidents and reduction of non LTI's towards zero.
- To ensure safe working environment in the unit.
- He is authorized to take disciplinary actions against the workers deviating safety protocols.

(vi) The petitioner has participated in the Audit meeting while working at Karaikal unit as Officer (Production) and the same can be evidenced in Ex.R34 wherein, the petitioner has signed the register by stating his designation and Department.

(vii) Performance Improvement Programme (PIP) was conducted by the respondent management for the Management staffs and not for a workman to improve their performances and thereby the petitioner was directed to take care of store activity independently and the same could be evidenced from Ex.R35.

(viii) The petitioner was not a member of any Trade Union recognised by the respondent company till the date of his termination. As per Ex.R18 the united Godrej Consumer products staffs and workers Union has addressed a letter, dated 07-03-2016 to management stating that in the year 2016 the petitioner had joined as member in the said trade union. Thus, when the petitioner was working from the year 1997 onwards, the petitioner never become member of any Trade Union and only in the year 2016 that is at the verge of his termination the petitioner had joined as a member in the Trade Union which would evince that the petitioner was working only as an officer and that was the reason he had not joined in any Trade Union as a member at the earliest point of time.

(ix) The name of the petitioner does not find place in the list of beneficiaries annexed along with the wage revision settlement Ex.R31 executed between the Trade Union and management on 27-11-2014 and the same has been admitted by P.W.2 the secretary of the Trade Union and P.W.3 the Executive member of the Trade Union.

(x) The salary components received by the petitioner would differ from the salary components fixed for a workman as per Ex.R31 Memorandum of Settlement under section 12(3) ID Act entered between Management and Trade Union on 27-11-2014.

14. *The learned Counsel for respondent has relied upon the following citations :*

1. 1994 AIR 1824, 1994 SCC(3) 510, 1994 AIR SCW 1736, 1994(3) SCC 510, (1994) 68 FACLR 1101, (1994) IJR 316 (SC), 1994 2 LAB LN 450, 1994 LABLR 1 321, (1994) 3 SCT 312, (1994) 2 SCJ 451, 1994 SCC (L&S) 776, 1994 UJ (SC) 1 735, (1994) 2 UPLBEC 851, (1994) 2 SCR 333 (SC), (1994)2 CURLR 359, (1994) 56 DLT 384, (1994) 85 FJR 1, (1994) 3 PUN LR 492, (1994) 2 ANDHWR 26, (1994) 2 SERVLR 35, (1994) 2 LABLJ 1153, (1994) 3 JT 151 (SC), AIR 1994 SUPREME COURT 1824.

S.K. Maini . . . Petitioner

Vs.

Carona Sahu Co. Ltd . . . Respondent

It should be borne in mind that an employee discharging managerial duties and functions may not, as a matter of course, be invested with the power of appointment and discharge of other employees. It is not unlikely that in a big set-up such power is not invested to a local Manager but such power is given to some superior officers also in the management cadre at divisional or regional level. The unit in a local shop may not be large but management of such small unit may fulfil the requirements and incidences of managerial functions. On a close scrutiny of a nature of duties and functions of the Shop Manager with reference to the admitted terms and conditions of service of Shri Maini, it appears to us that the High Court was justified in holding that the appellant was not a workman under Section 2(s) of the Industrial Disputes Act.

2. In the Supreme Court of India, Civil Appellate Jurisdiction, Civil Appeal No. 5187 of 2023.

M/s. Bharati Airtel Limited . . . Appellant

Versus

A.S Raghavendra . . . Respondent

24. A bare perusal of the above makes it crystal clear that absence of power to appoint, dismiss or conduct disciplinary enquiries against other employees was not the only reason for the Court to conclude in Ved Prakash Gupta (*supra*) that the appellant therein was a “workman”. At this juncture,

we may note that although Ved Prakash Gupta (*supra*) was decided by a 3-Judge Bench, in a later judgment by a 2-Judge Bench of this Court in SK Maini v M/s. Carona Sahu Company Limited, (1994) 3 SCC 510, it was held that “....it should be borne in mind that an employee discharging managerial duties and functions may not, as a matter of course, be invested with the power of appointment and discharge of other employees. It is not likely that in a big set-up such power is not invested to a local manager but such power is given to some superior officers also in the management cadre at divisional or regional level” The judgment in SK Maini (*supra*) is innocent of Ved Prakash Gupta (*supra*), but we do not find any inconsistency in the statement of law laid down in SK Maini (*supra*), given our reading of Ved Prakash Gupta (*supra*) as enunciated hereinabove.

25. That being said, in our considered view, mere absence of power to appoint, dismiss or hold disciplinary inquiries against other employees, would not and could not be the sole criterion to determine such an issue.

15. Therefore, in this case it becomes incumbent to first decide whether the petitioner was working as a workman as contended by the petitioner or officer as contended by the respondent and in case if the petitioner is held to be a workman then this Court has to necessarily determine the issue as to whether the termination of the petitioner was valid and likewise if it is held that the petitioner is not a workman then this Court has no jurisdiction to decide the dispute raised by the petitioner. This Court finds that the Hon’ble Apex Court in a catena of decisions has held if an employee is employed mainly in a managerial or administrative capacity then under section 2(s) (iii) of I.D.Act he would not be regarded as a workman. Similarly if an employee is working in a supervisory capacity as per section 2(s) (iv) of I.D.Act then he would not be a workman if his wages exceed ₹ 1,600 per mensem. The said Sub-clause, *inter alia*, provides that if his functions are mainly of managerial nature, by reason of the powers vested in him, then such an employee would also not be regarded as a workman. Further it has been held that while determining the nature of the work performed by an employee, the essence of the matter should call for consideration and undue importance need not be given for the designation of an employee or the name assigned to the employee and what is needed to be asked is as to what are the primary duties the employee performs. Thus, this Court finds that the designation of an employee need not be given any weightage and what is important is the nature of duties being performed by an employee.

16. Similarly, the determinative factor is the main duties of the employee concerned and not some works incidentally done by him/her. Therefore, if an employee is mainly doing supervisory work but, incidentally or for a fraction of time also does some manual or clerical work, then the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of 'workman' as per section 2(s) of the Industrial Disputes Act.

17. Thus, keeping in touchstone of the above principles, it has to be necessarily determined whether the petitioner was a workman or not. It is the specific contention of the learned Counsel for petitioner that the nature of work for the petitioner in the respondent company is that he was directly involved in the work of production and inspect the produced products and rectify the defects occurred then and there at time of production and help in restarting the production activity and planning to get good yield in the production and further he never worked as an officer or were given any powers that could be exercised by an officer. Whereas, the contention of the learned Counsel for respondent is that the petitioner was a holder of Diploma in Mechanical Engineering and further the petitioner prior to joining in the respondent company was previously working in cadre as Junior Engineer in Machine shop Department and therefore the petitioner again joined in the respondent company in the cadre of officer. This Court finds that the said contention of the learned Counsel for respondent is found to be of no relevance for the reason that since, because a person was a diploma holder in Mechanical Engineering and earlier had worked as a junior engineer cannot be a reason to conclude that the person will never work or do the works of a workman and he will work only as an officer. It is always the option of the parties concerned to choose any type of job.

18. Likewise no doubt from the records it is found that the petitioner during his service period from 1997 onwards has not chosen to become a member of the Trade Union and as per Ex.R18 the petitioner has become a member of the Trade Union in the year 2016 only that is in the year of his termination. Yet, this Court finds that the not becoming a member in the Trade Union does not automatically mean an employee is not a workman because the Trade Union membership is required for collective bargaining and that does not become a decisive factor to decide whether an employee is a workman and further an employee is a workman or not

has to be determined by the nature of work done by the concerned employee and not decided based upon the membership status.

19. Next on perusal of Ex.R6 it is found that the petitioner was promoted as "Officer (Production)" in grade "M7" with effect from 01-02-2007 and further it is an admitted fact that the petitioner continued to work in the said post till his termination on 08-03-2016. The petitioner during his chief and cross-examination as P.W.1 and further the P.W.2 and P.W.3 in their evidences have deposed that though the designation of the petitioner was Officer-production but the petitioner was working only as a workman and the management to prevent and deceive its workmen from getting the legally entitled benefits and privileges has given various attractive designations such as Officers, Supervisors, and Administrative Officers to its workers.

20. This Court finds that P.W.2 and P.W.3 being an office bearers of a Trade Union cannot contend that the management to deceive its workers from getting benefits under the ID Act has assigned attractive designations in the name of supervisor and officer to its employees who were working as workmen because the Trade Union is formed for the collecting bargaining for the benefits of workmen and in such case when demands has been place for wage revision and wage settlement has been entered as per Ex.R31 on 27-11-2014 then if really the said contention of P.W.1 to P.W.3 were true then agitating the said action of the management the Trade Union would have raised objection and dispute but no such documents have been produced except Ex.P14 copy of claim petition in I.D.(T).No. 9/2006 which pertains to the issue of designation given to employees as supervisor. The records further reveals that the petitioner has not produced the copy of the Award passed in I.D.(T).No. 9/2006 so as to ascertain the findings held in the said case. Even otherwise it is found that the said industrial dispute pertains to the issue of supervisor and not for the officer cadre as contended in this case.

21. The respondent has produced Ex.R32 the Integrated Management System Manual of the respondent company specifying the Roles, Responsibility, Authority and Accountability for an Officer/Executive/Sr.Executive-production. In Ex.R32 it is stated as follows:

Officer/Executive/Sr.Executive-PRODUCTION

Responsibility

- To plan and perform production under controlled conditions.
- To ensure availability of approved equipment's.

- To establish and maintain the implemented system with continual improvement in performance.
- To ensure suitable maintenance of equipment's for smooth processing.
- To run pilot batches of newly developed/ designed products.
- To comply with IMS standards and documented procedures.
- To control non-conformity of product and take appropriate action to avoid occurrence of the same.
- To ensure safe and suitable working environment including PPEs supply.
- To assist in Production trial runs and validation process.
- To identify training needs for production staff and workers.
- To improve and maintain QACI, SHMS RRI and TPM requirements.
- To coordinate with manpower contractor (external) for manpower management on daily basis.

Authority

- To decide and allocate manpower for the production process.
- To ensure IMS requirements are in place.
- To approve or reject leave request of workers based on the production requirement.

Accountability

- Zero lost time incidents and reduction of non LTI's towards zero.
- To ensure safe working environment in the unit.
- He is authorized to take disciplinary actions against the workers deviating safety protocols.

22. This Court from Ex.R32 finds that the Responsibility, Authority and Accountability for the cadre of officer production, Executive production, Senior Executive-production is found to be one and the same. This Court on considering the nature of Responsibility, Authority and Accountability stipulated for the cadre of officer (production) finds that said nature of work as stipulated in Ex.R32 cannot be a work

of a workman. Similarly, from Ex.R31 wage settlement recorded under section 12(3) of ID Act on 27-11-2014 this Court finds that the name of the petitioner does not find place in the said settlement. Had it been true that the petitioner was a workman then naturally the name of the petitioner would have been reflected in the list of beneficiaries annexed along with Ex.R31 wage settlement recorded under section 12(3) of ID Act on 27-11-2014.

23. Likewise from Ex.R35 it is found that the petitioner was incharge of store stocks and is found to have sent details of stock availability and daily stock statements and this nature of work shows that he was given responsible position that of in the cadre of officer. That apart the petitioner in Ex.R13 in his letter, dated 21-12-2015 addressed to Deputy General-Manager has stated as follows:

நான் கடந்த 18 வருடங்களாக பணிபுரிந்து வருகிறேன். எனது பணி காலத்தில் நிர்வாகத்தின் வளர்ச்சிக்கும், உற்பத்திக்கும் அயராது பாடுபட்டுள்ளேன் என்பது தாங்கள் நன்கு அறிந்ததே. இந்நிலையில் கடந்த 2015-ம் ஆண்டு ஏப்ரல் மாதம் என்னுடன் பணிபுரியும் அனைத்து தொழிலாளர்களுக்கும், எனக்கு கீழ் பணிபுரியும் அனைத்து தொழிலாளர்களுக்கும் ஊதிய உயர்வு அளித்தீர்கள். ஆனால் எனக்கு ஊதிய உயர்வு தரமறுத்துவிட்டீர்கள். இதனை தாங்களிடம் நேரில் கேட்டபோது எனக்கு பணி திறமை இல்லை என பொய்யான காரணத்தை கூறி அலைகழித்து வந்தீர்கள்.

24. Thus, in Ex.R13 the petitioner himself has admitted that there were workers working under him. Further, from Ex.R34 it is found that the petitioner has attended the Audit meeting at Karaikal unit in the month of September 2013 by affixing his signature and designation. An employee in the cadre of workman will not be attending the Audit meeting and only an officer who has been assigned with responsibility and having control over the other workers will be attending the Audit meeting. The contention of the petitioner that he was not given power to appoint, dismiss or hold disciplinary inquires against an employee cannot be a criterion to hold that the petitioner was a workman and similarly the contention of the petitioner that the respondent has not produced any documents to substantiate that the petitioner had sanctioned or rejected the leave application of employees also cannot be ground to hold that the petitioner was a workman. This Court from the exhibits produced by both parties and from the evidences adduced by both parties and from the above discussions holds that the nature of work performed by the petitioner was that of an officer and not of a workman. Hence, this Court holds that the petitioner was not a workman and thereby does not fall

within the ambit of definition of workman as contemplated under section 2(s) of I.D. Act and further holds that the dispute raised by the petitioner before this Court is found to be not maintainable and the dispute raised before this Court is not justified. Since, the dispute raised by the petitioner is held to be not maintainable, this Court finds that the other issue regarding the termination validity does not arise for consideration. Therefore, this Court holds that the petitioner is not entitled to claim any relief before this Court.

In the result, this petition is dismissed by holding that the industrial dispute raised by the petitioner is not maintainable. There is no order as to costs.

Partly typed by the Stenographer, partly typed by me in my laptop, corrected and pronounced by me in open Court on this the 13th day of June, 2025.

G.T. AMBIKA,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

List of petitioner's witnesses:

- PW1 — 03-09-2019 Thiru S. Senthil Kumar
PW2 — 11-02-2020 Thiru Sekar
PW3 — 21-01-2025 Thiru M.K.K. Saravanan

List of petitioner's side exhibits :

- Ex.P1 — 21-12-2012 Photocopy of the letter sent by the Petitioner to the Respondent Management.
Ex.P2 — 29-01-2016 Photocopy of show cause Notice issued by the Respondent Management to the Petitioner.
Ex.P3 — 05-02-2016 Photocopy of the letter sent by the Petitioner to the Respondent Management.
Ex.P4 — 08-03-2016 Photocopy of Termination Order issued by the Respondent Management to the Petitioner.
Ex.P5 — 10-03-2016 Photocopy of industrial dispute raised by the Petitioner before the Labour Officer Conciliation.

- Ex.P6 — 20-04-2016 Photocopy of proceedings of the Respondent Management.
Ex.P7 — 27-04-2016 Photocopy of the letter sent by the Petitioner to the Respondent Management.
Ex.P8 — 31-05-2016 Photocopy of Reply Statement filed by the Respondent Management before the Labour Officer Conciliation.
Ex.P9 — 02-08-2014 Photocopy of the Trade Union Registration Certificate.
Ex.P10 — 16-02-2005 Photocopy of the letter submitted by the Union before the Conciliation Officer.
Ex.P11 — 07-03-2006 Photocopy of the Orders passed by Hon'ble High Court of Madras in W.P.No. 362/2006.
Ex.P12 — 21-03-2006 Photocopy of the letter submitted by the Union before the Conciliation Officer.
Ex.P13 — 30-11-2006 Photocopy of the G.O. referred the Industrial Dispute to the Court.
Ex.P14 — — Photocopy of the Claim petition filed by the petitioner in ID(T)-09/2006 in Labour Court.
Ex.P15 — 28-03-2017 Photocopy of the show cause notice issued to Thiru Kalyankumar by the respondent management.
Ex.P16 — 20-04-2005 Photocopy of the Suspension order issued to Thiru Rajasekaran.
Ex.P17 — 22-04-2013 Photocopy of the show cause notice issued to Thiru Mahadevan.
Ex.P18 — 16-05-2014 Photocopy of the show cause notice issued to Thiru Mahadevan.

- Ex.P19 — 05-12-2014 Photocopy of the second show cause notice issued to Thiru Mahadevan.
- Ex.P20 — 01-09-2018 Photocopy of the letter sent by the Union to the Respondent Management.
- Ex.P21 — 01-09-2018 Photocopy of the letter sent by the Respondent Management to the Union.
- Ex.P22 — 15-09-2016 Photocopy of the minutes of meeting between the respondent management and Union.

List of Respondent's witnesses:

- RW1 — 14-03-2022 Thiru M. Sugumar

List of Respondent's side Exhibits:

- Ex.R1 — — Photocopy of Diploma in Mechanical Engineering Certificate of the Petitioner.
- Ex.R2 — — Photocopy of the Bio-data of the petitioner submitted to the respondent management.
- Ex.R3 — 09-11-1991 Photocopy of the Experience certificate of the petitioner for the period from 05-08-1988 to 07-10-1991
- Ex.R4 02-04-1997 Photocopy of the offer letter for the post of Maintenance Supervisor.
- Ex.R5 — 08-11-1997 Photocopy of the Appointment order of the petitioner.
- Ex.R6 — 27-02-2007 Photocopy of the promotion order to the post of Officer (Production) in Grade-M7.
- Ex.R7 — 19-06-2008 Photocopy of the Transfer order to CONSO Unit, Kattukuppam with effect from 01-07-2008.
- Ex.R8 — 10-11-2009 Photocopy of the Transfer order to Karaikal unit with effect from 15-09-2009.
- Ex.R9 — 28-01-2010 Photocopy of the Transfer order to Maraimalai Nagar with effect from 01-02-2010.

- Ex.R10 — 19-05-2010 Photocopy of the Job not satisfactory letter issued to the petitioner by the respondent management.
- Ex.R11 — 15-05-2012 Photocopy of the Job unsatisfactory letter issued to the petitioner by the respondent management.
- Ex.R12 — 23-05-2013 Photocopy of the Job unsatisfactory letter issued to the petitioner by the respondent management.
- Ex.R13 — 21-12-2015 Photocopy of the Reply letter to management by the petitioner.
- Ex.R14 — 14-01-2016 Photocopy of the Reply letter to petitioner by the management.
- Ex.R15 — 29-01-2016 Photocopy of the show cause notice issued to the petitioner by the respondent management.
- Ex.R16 — 05-02-2016 Photocopy of the reply to the show cause notice by the petitioner.
- Ex.R17 — — Photocopy of the Union subscription fee August 2015 to March 2016 (Pg. 20 to 23).
- Ex.R18 — 07-03-2016 Photocopy of the petitioner claim letter submitted to the respondent management by the Union.
- Ex.R19 — 21-03-2016 Photocopy of the Reply letter to the Union leader by the management.
- Ex.R20 — — Photocopy of the Salary slip from September 2015 to February 2016 (Pg. 68 to 73).
- Ex.R21 — 08-03-2016 Photocopy of the Termination order of the petitioner.
- Ex.R22 — 10-03-2016 Photocopy of the letter to the management by the petitioner.
- Ex.R23 — 10-03-2016 Photocopy of the letter submitted before Labour Conciliation Officer by the petitioner.

Ex.R24 — 27-04-2016	Photocopy of the letter through full and final settlement returned to the management.	Ex.R32 — —	Photocopy of the document in Page No. 17 of the Roles, responsibility, authority and accountability for an Officer-Production of the Integrated Management System Manual.
Ex.R25 — —	Photocopy of the reply submitted before the Labour Conciliation Officer by the management (Pg. 54 to 56).	Ex.R33 — 26-12-2015	Photocopy of the e-mail of S.Senthil Kumar regarding the shift reports.
Ex.R26 — 18-07-2016	Photocopy of the reply submitted filed before the Labour Conciliation Officer by the petitioner (Pg. 57 to 60).	Ex.R34 — —	Photocopy of the Infosec (Information Security) System Audit conducted on 27-09-2013 at Karaikal by BSI Certification.
Ex.R27 — 14-09-2017	Photocopy of the Failure report (Pg. 61 to 65).	Ex.R35 — —	Photocopy of the e-mails, dated 22-02-2014 and 21-03-2014 of the Petitioner herein.
Ex.R28 — 24-10-2017	Photocopy of the Gazette Publication.	Ex.R36 — 03-03-2016	Photocopy of the Internal Note of the Respondent Management.
Ex.R29 — 01-02-2018	Photocopy of the letter to the management by Thiru Kalyankumar.		
Ex.R30 — —	Photocopy of the Union Members list and subscription details.		
Ex.R31 — —	Photocopy of the Settlement 12(3) for 2013-2016.		

G.T. AMBIKA,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY

HOME DEPARTMENT

(G.O. Ms. No. 80, Puducherry, dated 05th December 2025)

NOTIFICATION

Consequent to the regular promotion of Thiru R. Subhash to the post of PPS (Entry Grade) with effect from 01-01-2018 vide G.O.Ms. No. 65, dated 26-09-2025 of the Home Department, Puducherry and in supersession to the G.O. Ms. No. 10, dated 29-01-2024 of the Home Department, Puducherry, a revised Final Seniority List of Selection Grade Officers in Puducherry Police Service (PPS) Cadre, shall be as indicated as hereunder:—

Sl. No.	Seniority No.	Name of the Officer	Present place of working	Date of birth	Category	Whether promotee or direct recruitee	Date of regular appointment in the grade	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Thiru/Tmt./Selvi:

1.	8	Mahesh Kumar Barnwal*	inducted to IPS and now working in Arunachal Pradesh.	01-12-1972	General	Promotee	01-01-2007	Nil
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