



133. Is a person who independently handles administrative work and provides completion reports considered a workman or a supervisor under the Industrial Disputes Act, 1947?

Based on Section 2(s) of the Industrial Disputes Act, 1947, a person who independently handles administrative work and provides completion reports would not be classified as a "workman." According to the Act, the term "workman" applies to those performing manual, skilled, technical, operational, clerical, or supervisory work. However, it specifically excludes individuals employed in a **managerial or administrative capacity**.

In this case, since the role is primarily administrative in nature and does not involve operational or clerical tasks, the person would likely be excluded from the definition of "workman." Furthermore, if the role includes managerial responsibilities, such as independently completing tasks and reporting on them, it would further support the classification as a **supervisor or manager** rather than a workman.

Thus, the person would be considered a supervisor or someone in an administrative capacity under the Industrial Disputes Act, 1947, and would not fall under the "workman" category.

Case Law:

In *Rita Sachdeva vs Secretary (Labour) & Anr* (Delhi High Court, 28 May 2024), the petitioner, Rita Sachdeva, contested the decision of the Labour Court, which ruled that she was not a "workman" under the Industrial Disputes Act, 1947. Rita Sachdeva sought reinstatement with full back wages following her termination by Bennet Coleman & Co. Ltd. in 2009.

Issues of the Case:

1. Whether the petitioner, Rita Sachdeva, qualifies as a "workman" under Section 2(s) of the Industrial Disputes Act, 1947:

The core issue revolved around whether Sachdeva's job duties fell within the definition of a "workman," given her supervisory designation as Senior Officer (Administration). The petitioner claimed that her work remained clerical in nature, while the respondents argued that she performed supervisory and administrative tasks.

2. Whether Sachdeva's termination was illegal and unjust:

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Sachdeva contended that her termination in 2009 was unlawful, and she sought reinstatement with full back wages. The court needed to assess the legitimacy of her dismissal in the context of the Industrial Disputes Act and whether she was entitled to relief.

3. **Whether the Labour Court's award dismissing Sachdeva's claim was valid:**

The petitioner challenged the Labour Court's decision, arguing that the court erred in its interpretation of her job duties and her status as a workman. The issue was whether the Labour Court had correctly adjudicated based on the evidence and whether there was any legal error in its ruling.

4. **Jurisdiction of the Labour Court:**

Another key issue was whether the Labour Court had the jurisdiction to decide on the matter if Sachdeva did not qualify as a "workman." This affected the court's ability to provide the relief Sachdeva sought.

Petitioner's Arguments:

1. **Job Role Classification:** Sachdeva argued that despite being promoted to the role of Senior Officer (Administration), her job duties remained clerical, thus qualifying her as a "workman" under Section 2(s) of the I.D. Act. She claimed no authority to sanction leaves, take disciplinary actions, or supervise any subordinates.
2. **Unjust Termination:** Sachdeva contested that her termination was illegal and caused her financial hardship. She requested her reinstatement with back wages, emphasizing her continued performance of non-supervisory duties.
3. **Definition of Workman:** She argued that neither her designation nor salary should disqualify her from being recognized as a workman, citing that her duties were clerical in nature, focusing on administrative tasks rather than managerial or supervisory roles.

Respondents' Arguments:

1. **Supervisory Role:** Bennet Coleman & Co. Ltd., through its counsel, contended that Sachdeva was not a "workman" as her role involved supervisory duties. Evidence showed she supervised departments such as housekeeping, canteen management, and building maintenance.
2. **Variable Compensation:** The company highlighted that Sachdeva's salary included variable components linked to company performance and personal targets, a characteristic of officers rather than workmen.

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3. Labour Court's Jurisdiction: The company argued that since Sachdeva did not qualify as a workman under the I.D. Act, the Labour Court lacked jurisdiction to provide relief, emphasizing that the Labour Court's ruling was reasoned and based on evidence.

Court's Findings:

- 1. Nature of Work:** The High Court upheld the Labour Court's conclusion that Sachdeva's job involved supervisory responsibilities, making her ineligible for classification as a workman under Section 2(s). It referenced specific duties such as supervising staff, handling administrative decisions independently, and providing completion reports.
- 2. Supervisory Capacity:** The Court dismissed Sachdeva's claims that her lack of authority to appoint or dismiss employees made her a workman, citing precedents that such powers were not sole criteria for workman classification.
- 3. Compensation Structure:** The Court noted that Sachdeva's variable pay tied to company and personal performance indicated her officer status, further distancing her from the workman category.
- 4. Scope of Judicial Review:** The Court reiterated that under Article 226, its power was limited to reviewing errors of law or facts in the Labour Court's judgment. Since no such error was found, the Labour Court's decision stood.

Conclusion:

The petition was dismissed, and the Labour Court's award was upheld, confirming that Sachdeva was not a workman under the I.D. Act and thus not entitled to the relief sought.

This decision underscores the importance of the nature of duties rather than job title or salary in determining workman status under the Industrial Disputes Act.

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