



124. Can employees in Project Leader roles at tech companies be classified as 'workmen' under the Industrial Disputes Act, 1947?

Section 2(s) of the **Industrial Disputes Act, 1947** defines the term "**workman.**" This definition is crucial in determining whether an employee can claim benefits and protections under the Act. Here is the breakdown:

1. Inclusion as Workman:

- A "workman" is any person employed in an industry, performing work that is:
 1. **Manual**
 2. **Unskilled**
 3. **Skilled**
 4. **Technical**
 5. **Operational**
 6. **Clerical**
 7. **Supervisory**
- The employment may be under written contracts (express) or unwritten agreements (implied).
- This also includes **apprentices** and, in the case of a dispute, even those who have been dismissed or retrenched.

2. Exclusion from the Definition of Workman:

- Certain categories of employees are **excluded** from being classified as workmen:
 - **Those employed in managerial or administrative roles:** Employees whose primary duties involve **managing** or **administering** a business are excluded from the "workman" category.
 - **Supervisors earning more than ₹10,000 per month:** Even if someone holds a supervisory role, if their salary exceeds ₹10,000 and their duties involve managing people or projects, they are not considered workmen.
 - **Employees in defense or police forces** are also excluded.

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Interpretation of Section 2(s) for Project Leaders:

For employees in **Project Leader** roles, determining whether they qualify as "workmen" depends on the **nature of their duties**. If the role involves:

- Primarily **technical, operational, or supervisory tasks**, with no significant **decision-making authority** or **managerial responsibilities**, the employee might still be classified as a workman.

However, if the **Project Leader**:

- Has authority over the work of others (i.e., supervises employees),
- Makes **key decisions** regarding planning, budgeting, and coordinating,
- Is responsible for **leading projects** and reporting directly to upper management,

then such a role would likely fall under **managerial or supervisory functions**. In such cases, even if the work involves technical knowledge, the employee would likely be excluded from being classified as a "workman" under Section 2(s).

Answer to the Question:

Employee in **Project Leader role** at tech company would generally **not be classified as workman** under the **Industrial Disputes Act, 1947** if his duties are managerial or supervisory in nature. This is because Section 2(s) specifically excludes employees engaged in managerial roles or those supervising others while earning more than ₹10,000 per month.

Project Leader typically oversee team/s, make key project decisions, and manage processes, which would disqualify him from being considered "**workman**" under the Act.

Supporting Case Law:

Key Points of the Case:

- 1. Respondent's Role:** Ashok Narayanpur was employed by Mphasis Limited as a Software Trainee and subsequently promoted to Senior System Engineer, later working as a Project Engineer and Project Lead. He voluntarily resigned from his position, and his resignation was accepted with all dues settled.
- 2. Claim for Reemployment:** After his resignation, the respondent approached the Assistant Labour Commissioner seeking reemployment. The matter was referred to the Labour Court, where he filed a claim asserting that he should be considered a "workman" under the ID Act, arguing that his role as Project

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Leader involved delivering technical services, thus falling within the definition of "workman."

3. Mphasis's Defense: Mphasis countered that Ashok was in a managerial position, supervising four employees and making technical decisions. They argued that his work did not fit the "workman" classification as defined by Section 2(s) of the ID Act, which excludes those in managerial or supervisory roles earning above a certain threshold.

4. Labour Court's Ruling: The Labour Court ruled in favour of the respondent, determining that he was indeed a "workman" under the ID Act and ordered his reinstatement to his original post, with continuity of service but no back wages or other compensations.

5. High Court's Analysis:

- The key legal question was whether the nature of duties performed by Ashok would classify him as a workman.
- The court interpreted the Section 2(s) thoroughly.
- The court cited various precedents, such as *Burmah Shell Oil Storage & Distribution Co.* and *M/S May and Baker (India) Ltd.*, to assess the classification of the respondent's duties.
- It was determined that Ashok's primary role involved managerial decision-making, planning, and supervising others, rather than manual or technical work that would classify him as a workman.

6. High Court's Judgment:

- The High Court set aside the Labour Court's decision, ruling that Ashok Narayanpur's role was managerial and therefore, he did not qualify as a workman under Section 2(s) of the ID Act.

This case illustrates that **Project Leaders**, especially those involved in **supervisory or managerial tasks**, are typically not considered "workmen" under the law.

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