

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT
NO. II, NEW DELHI**

ID No. 112/2014

Sh. Nitin Kohli

R/o- Flat No. 96, Priyadarshni Apartment,
A-4, Paschim Vihar,
New Delhi-110063.

...Applicant/Claimant

Versus

**1. Mr. Chen Yong Guang, General Manager-India,
China Southern Airlines Co. Ltd.,
118, New Delhi House,
27, Barakhamba Road,
Connaught Place, New Delhi.**

**2. Mr. Yan Cheng Ming, Station Manager,
China Southern Airlines Co. Ltd.,
IGI Airport-Terminal-3, New Delhi.**

...Management/Respondents

Counsels:

For Applicant/ Claimant:

None.

For Management/ Respondent:

None.

**AWARD
06.10.2025**

1. This is an application **under section 2A of the Industrial Disputes Act, 1947 (hereinafter referred to as “the Act”)** filed by the claimant stating that he was appointed by the management as Assistant Station Manager on 01.09.2009 and posted to IGI Airport Terminal-3. He worked with the management diligently and honestly and sincerely to the entire satisfaction of the managements and has never given any chance for complaint. He was

illegally terminated on 21.01.2014 without assigning any reason which is a violation of section 25F of the ID Act. He has gone to the conciliation officer. During the course of conciliation before ALC, Delhi on last date i.e. 07.11.2014, management fraudulently and mischievously produced fabricated documents and obtained false complaints against him. Hence, he filed the present claim with the prayer that he be reinstated with full back wages.

2. Management has filed the reply/written statement. He has taken various preliminary objections, stating that claimant is not the “workman” within the provision of the Industrial Disputes Act; present case is not maintainable, as the respondent does not fall under the definition of “management” within the Act; present claim is not maintainable as there is no industrial disputes arises; present claim is not maintainable as the services of the workman was terminated in accordance with the terms and conditions stipulated in the appointment letter dated 26.08.2009. He further submitted that the last drawn salary of the workman was Rs. 45,000/- per month. He submitted that a lot of complaints received against the claimant regarding his behavior. He submitted that claim be dismissed.

3. After completion of the pleadings vide order dated 01.07.2015, following issues have been framed:

- (I) Whether claimant is workman as per provisions of section 2(s) of the ID Act? If so, its effect?
- (II) Whether there is industrial Disputes between the parties under the provisions of Industrial Disputes? If so, its effect?
- (III) Whether the services of Sh. Nitin Kohli were illegally terminated by management? If so, its effect?
- (IV) Whether the workman Sh. Nitin Kohli was not gainfully employed after alleged termination of him/after leaving services of the respondent as alleged by management? If so, its effect?
- (V) Whether the workman is entitled to be reinstated with full back wages and all consequential benefits alongwith cost?

4. Matter is listed for cross-examination of the workman. Despite repeated opportunities, no one appeared on behalf of the management to cross-examine the workman.

5. I have gone through the record and found that, this case has been listed for arguments since 02.07.2025, on the maintainability of the claim, in view of the preliminary objections raised by the management regarding status of the workman. According to the management, claimant does not fall within the definition of the “workman” as defined **under section 2(s) of the Act**. However, since July, 2025, claimant was given three opportunities to advance his argument for clarification on the maintainability of his claim, but he is not appearing for arguing the matter, even today, after availing three opportunities.

6. It is also the matter of fact that the claimant has tried to amend the claim after framing of issues, by stating that he was designated as an Assistant Station Manager, however, the designation of manager was merely a Sham or Camouflage. He was having no managerial, administrative or supervisory powers and was a workman within the meaning of Section 2(S) of the ID Act. His application was rejected by this Tribunal, so, the claimant cannot say that he was not the Assistant Station Manager at that time.

7. To invoke the jurisdiction of this tribunal, first the claimant has to assert that he was a workman within the definition of Section 2(s) of the Industrial Disputes Act, 1947. Section 2(s) is required to be reproduced herein:

2 [(s) “workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute,

includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—
(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or
(ii) who is employed in the police service or as an officer or other employee of a prison; or
(iii) who is employed mainly in a managerial or administrative capacity; or (iv) who, being employed in a supervisory capacity, draws wages exceeding 3 [ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]

8. Definition of the workman as provided **U/s 2(s)** is wide enough to include any person as workman in respect of his earning; however, section has itself carved out the exception as Clause-(i), (ii), (iii) and (iv). Clause-(iii) specifically debarred the person, claiming to a workman if he is employed mainly in a managerial or administrative capacity.

9. In this regard, the appointment issued on 26.08.2009 is important. In the said appointment letter, it has been mentioned that claimant was appointed by the management as **Assistant Airport Manager, at IGI Airport Terminal-II, New Delhi-110037**. He was given the salary of **Rs. 40,000/-** per month. It was also mentioned in his salary slip that he can be terminated any time on 7 days notice on either side.

10. In the order dated 17.04.2025, he himself admitted in response to the court query that he had completed his Master's degree in Tourism Management in 2006 and his job was to manage the affairs at the site. He

also stated before this Tribunal that he had been supervising three employees at that time.

11. All these facts establish that the claimant is not the “workman” as defined **under section 2(s) of the ID Act**. Hence, his claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the I.D Act, 1947. Record of this file is consigned to record room.

Date: 06.10.2025

ATUL KUMAR GARG
Presiding Officer
CGIT – cum – Labour Court – II