

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

**I.D. No. 01/2013**

**Sh. Sube Singh vs. Jet Airways India Ltd.**

**Sh. Sube Singh, C/o Sh. Master Hukum Chand,**  
A-164, 3<sup>rd</sup> Floor, Road No.-4, Street No.-11,  
Mahipalpur, New Delhi-110037.

...Applicant/Claimant

Versus

**Jet Airways India Ltd.,**  
Terminal-3, IGI Airport,  
New Delhi-110037.

...Management/respondent

**Counsels:**

For Applicant/ Claimant:

*Sh. Akhilesh Singh and Ms. Radhika Goyal, Ld. ARs.*

For Management/ Respondent:

*None for the management.*

**Award**

**30.06.2025**

**The present application has been filed under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act').** The claimant claims to have been employed with the management as a Senior Ground Technician w.e.f. 08.02.2007, and his last drawn salary was Rs. 19,375/-. On 18.07.2011, when the claimant requested the management to grant him leave for one day, i.e., 21.07.2011, for the operation of his mother, Col. Kulwant Singh, GSD, Manager of the management, refused to grant leave, forcibly detained him in the office, confined him for 2–3 hours, and thereafter coerced him into

giving his resignation letter. He tried to approach the senior officials, but they did not allow him to rejoin duties at the instance of Manager GSD, Col. Kulwant Singh. It was submitted that the said act of the management is unlawful and arbitrary. Therefore, he has filed the present claim with the prayer that he be reinstated with full back wages, continuity of service, and other consequential benefits.

In response, the management appeared and filed a written statement denying the claimant's averments. As a preliminary objection, it was submitted that the present claim is not maintainable before the Tribunal as the claimant was employed as a Senior Ground Support Technician and was performing functions of supervisory and administrative nature, and therefore, did not fall within the definition of 'workman' under Section 2(s) of the Act. It was further submitted that the claimant had submitted a resignation letter dated 18.07.2011 citing personal reasons, which was accepted by the management upon his request. The claimant was accordingly relieved from his services with immediate effect.

On merits, the management denied each and every allegation made by the claimant in his claim statement. It was specifically denied that the claimant had sought leave, or was forcefully detained and coerced into writing the resignation letter. Lastly, the management prayed that the claim be dismissed in view of the above submissions.

A Rejoinder had been filed by the claimant where he denied the averments made by the management in its written statement and reaffirmed the averments of his claim statement.

After completion of pleadings, following issues were framed:

1. Whether the claimant is a workman within the meaning of section 2(s) of the Industrial Disputes Act, 1947?
2. Whether services of the claimant were dispensed with by the management illegally on 18.07.2011?
3. Whether the claimant is entitled to relief of reinstatement in service?

In order to prove his claim, the claimant examined himself as WW1. He reiterated the contents of his claim statement and relied upon the following documents:

- A copy of the salary slip (Ex. WW1/1).
- A copy of confirmation letter issued by the management (Ex. WW1/2).
- A copy of leave application (Ex. WW1/3).
- A copy of medical case sheet of the claimant's mother (Ex. WW1/4).
- Termination letter issued by the management (Ex. WW1/5).
- Legal notice sent by the claimant (Ex. WW1/6).
- Speed post receipt (Ex. WW1/7).
- Order of Ld. P.O.L.C., Karkardooma Court, Delhi whereby the claimant was granted liberty to file the claim before the Conciliation Officer (Ex. WW1/8).
- Failure certificate issued by the conciliation officer (Ex. WW1/9)

The claimant was cross-examined at length by AR for the management, during which he admitted that :

- The resignation letter was signed by him but it was taken under compulsion.
- No police complaint was made by him in respect of the forced resignation.
- He denied that the leave application was forged and fabricated and was never submitted to the management.
- He admitted that up to 2011, he used to take leaves as usual like other employees.
- He admitted that the employees who were working as assistants were getting instructions and guidance in respect of work from assistant technicians and assistants technicians were working under senior technicians.

The entire case of the claimant rests on the premise that he was a workman and was coerced into writing his resignation letter when he sought leave, thereby being wrongfully terminated on 18.07.2011. On the other hand, the management's case is that the claimant is not a 'workman' as defined under Section 2(s) of the Act. In this regard, Section 2(s) of the Act 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.]***

On a fair reading of the provisions in section 2(s) of the Act, it is clear that 'workman' means any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward including any such person who has been dismissed, discharged or retrenched.

The latter part of the section excluded four classes of employed mainly in a managerial or administrative capacity, or a person employed in a supervisory capacity drawing wages exceeding Rs. 1600/- per month or exercises functions mainly of a managerial nature. It has to be taken as an accepted principle that in order to come within the meaning of the expression 'workman' under section 2(s), the person has to be discharging any one of the types of the works enumerated in the first portion of the section. If the person does not come within the first portion of the section then it is not necessary to consider the further question whether he comes within any of the classes of workmen excluded under the latter part of the section. The question whether the person concerned comes within the first part of the section depends upon the nature of duties assigned to him and/or discharged by him.

Now coming to the evidence led by the claimant: admittedly, he was working as a 'Senior Technician' and was drawing a salary above Rs. 10,000/- per month. In his cross-examination, the claimant himself admitted that assistant technicians and assistants were working under senior technicians and received instructions from them.

The claimant also relied upon a judgment of Hon'ble Supreme court of India in **Sharad Kumar vs. Government of NCT of Delhi & Ors., Appeal (civil) 2622 of 2002**, passed on 11.04.2002, where the Hon'ble Supreme Court had directed GNCTD to refer the dispute raised by the appellant to the labour court including the question whether the appellant is a 'workman' under the Act. However, in the present case, evidence has already been led, and the claimant himself admitted that he worked in a supervisory capacity as a Senior Technician, with subordinates reporting to him, and earned a salary of Rs. 19,375/-, which exceeds the statutory ceiling.

Considering the evidence discussed, the claimant cannot be said to be a 'workman' under section 2(s) of the Act. Accordingly, issue no.1 is decided in favor of the management, and against the claimant.

In view of the findings on issue no. 1, there is no need to decide issue no. 2 & 3. The claim of the claimant stands dismissed. Award is

accordingly passed. A copy of this award be sent to the appropriate government for notification under section 17 of the Act. The file is consigned to record room.

Dated 30.06.2025

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