

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR, (M.P.)

Present: P.K.Srivastava

H.J.S..(Retd)

1. NO. CGIT/LC/R/15/2023

**Shri Bhupendra Uikey,
653, Bheem Nagar,Quarter No. 3 Ki Jhuggi,
Vallabh Bhawan,
Bhopal (M.P.) 462004**

Workman

V/s

**The Registrar,
National Green Tribunal,
Central Zone Bench,
3rd Floor, Rajya Aayog Bhawan,
Arera Hills,
Bhopal (M.P.) 462011**

**Management
.....Leading Case**

2. NO. CGIT/LC/R/35/2023

**Shri Bhupendra Uikey,
653, Bheem Nagar,Quarter No. 3 Ki Jhuggi,
Vallabh Bhawan,
Bhopal (M.P.) 462004**

Workman

V/s

**National Green Tribunal,
Central Zone Bench,
SIC Building,
3rd Floor, Arera Hills,
Bhopal (M.P.)**

Management

(JUDGMENT)

(Passed on this 6th day of February, 2026)

Since in both the cases, the same reference between the same parties was received through channels, two separate cases were registered initially, later on they were merged into one case, the

references, sent to this Tribunal by the Department, Chief Labour Commissioner, Central Jabalpur, vide its letter **No. J-1(1-20)/2022-IR** dated **02.03.2023** in exercise of power conferred by **clause d of sub-section (1) and sub-section (2A) of Section-10 of Industrial Disputes Act, 1947** (in short the 'Act'), and delegation of power by Central Government, vide its Notification **No. SO 1936(E)** dt. **10.06.2019**. The reference has been sent to this Tribunal which is as follows:-

“क्या आवेदक कर्मकार श्री भूपेन्द्र उइके को, नेशनल ग्रीन ट्रिब्यूनल प्रबंधन द्वारा नौकरी से बिना किसी सूचना के निकाला जाना उचित है? यदि नहीं, तो वह किन लाभों के साथ पुनः नौकरी पाने का हकदार है?”

After registering the case on the basis of reference, notices were sent to the parties. They appeared and filed their pleadings.

A preliminary objection with regard to maintainability of this reference was taken by management with a case that they are National Green Tribunal, established by the Government of India under Central Legislation and have been entrusted with a task of adjudication of disputes under their jurisdiction. Hence, they discharged sovereign functions of the State and are not Industry as defined u/s 2(j) of the Act.

I have heard, Learned Counsel in Panel, Mr. Arun Patel also in light of preliminary objections and have gone through the record.

Section 2(j) of the Act is being reproduced as under:-

“(j) “industry” means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen;”

Judgment of Seven Judges Bench of Hon’ble Supreme Court in the case of Bangalore Water-Supply & Sewerage v/s R. Rajappa & Others, (1978) 2 SCC 213, requires to be referred to herein, Para 143 of the said Judgment is being reproduced as under:-

“143. The dominant nature test:

- (a) where a complex of activities, some of which qualify for exemption others not, involves employees on the total undertaking, some of whom are not 'workmen' as in the University of Delhi Case or some departments are not productive of goods and services if isolated, even then, the predominant nature of the services and the integrated nature of the departments as explained in the Corporation of Nagpur, will be true test. The whole, undertaking will be 'industry' although those who are not 'workmen' by definition may not benefit by the status.*
- (b) Notwithstanding the previous clauses, sovereign functions, strictly understood, alone qualify for exemption, not the welfare activities or economic adventures undertaken by government or statutory bodies.*
- (c) Even in departments discharging sovereign functions, if there are units which are industries and they are Substantially severable, then they can be considered to come within sec. 2(j).*
- (d) Constitutional and competently enacted legislative provisions may well remove from the scope of the Act categories which otherwise may be covered thereby."*

In light of judgment referred to, since National Green Tribunal is discharging the sovereign functions they do not qualify to be an Industry u/s 2(j) of the Act. Accordingly, the dispute in the reference is not cognizable by this Tribunal.

ORDER

"The Reference stands answered accordingly."

No order as to cost.

DATE:- 06-02-2026

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**