

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR

NO. CGIT/LC/R/16/2021

Present: P.K.Srivastava

H.J.S..(Retd)

**Shri Narayandutt Sharma,
S/o Shri J.P. Sharma,
R/o 1427, Kirana Nagar, Coat Factory Road,
Bhopal (Madhya Pradesh)**

Workman

Versues

- 1. The Chief Personnel Officer,
M/s. West Central Railway, Personnel Department,
Indira Market, Jabalpur (M.P.)**
- 2. The Secretary,
M/s. Rail Adhikari Club,
Narmada Officer Railway Club, Habibganj,
Bhopal (M.P.)**

Management

(JUDGMENT)

(Passed on this 5th day of January, 2026)

As per letter dated 15.02.2021 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. **J-1(1-3)/2021-IR** dt. 15.02.2021. The dispute under reference relates to:

"क्या श्री नारायणदत्त शर्मा कर्मकार को मैसर्स रेल अधिकारी क्लब द्वारा 14/08/2014 को काम से निकाला जाना न्यायोचित है? यदि नहीं, तो उक्त कर्मकार को कब से और किन लाभों के साथ नौकरी पर पुनः बहाल किया जाना चाहिए?"

Case of the Workman is mainly that, he was first appointed as Caretaker on 01.07.2006 in the Narmada Railway Officers Club and has worked continuously with the Management till 14.08.2014 when his services were terminated without any notice or compensation which is in violation of Section 25F and 25G of the Act. He had put in 08 years in continuous service and had thus acquired permanent status. The Management has thus adopted unfair labour practice in continuing him in service without granting him benefits of a permanent employee. He raised a dispute in this respect before the concerned Labour Commissioner, but after failure of conciliation this reference was made to this Tribunal. The Workman has thus

prayed that, holding dismissal of his services unjust, illegal, improper and arbitrary he be held entitled to be reinstated with all back-wages and benefits.

Case of the Management of Railway Club and Personnel Department West Central Railway has put their written statement of defense is that Western Railway has nothing to do with the Working of this Club as it is not a part of Railways in fact this is a club formed by Railway Officers to provide recreational facilities to its members who are Officers of Railways and their families. The Railway Club employs labour for its working. There is no relation of employer and employee between the Railways and the Workman. Also, it has been stated that, Railway Club itself is not an industry and also that workman never worked continuously for 240 days in any year. They have prayed that reference be answered against the Workman.

In evidence, the Workman has filed his affidavit as his examination in chief. He has been cross-examined by Management. The Management of West Central Railway has filed affidavit of its witness as his examination in chief. He has also been cross-examined by the Workman side.

The bylaws of the Railway Club have been filed

I have heard argument of Learned Counsel Mr. Swapnil Khare for the workman and Mr. S.K. Gupta for the Management. I have gone through the record as well.

The reference itself is the issue for determination in the case in hand.

In his evidence, in form of Affidavit, the Workman has reiterated his allegations in the statement of claim as stated above. In his cross-examination, he admits that no advertisement for the post was released. No appointment letter was issued. No examination or test was conducted for appointment. Only he was assured to get his Casual Card, which was never issued. He Also stated that, his duty was from 7.00 AM to 10.00 P.M. and 05.00 P.M. to 09.00 A.M. and also that his attendance was taken in the Attendance Register of the Club. The Officers used to attend the Club for recreation and parties as well playing games.

On the other hand, the Management witness has corroborated the pleadings by the side of Management in his affidavit, stating that Railway Club has nothing to do with Railways, rather it is a separate Club constituted by Railway Officers who are its members. The purpose of this Club is for providing recreational facilities to Officers and their families. Also, he stated that wages are paid by the Railway Club and not by Railways and that the workman did not worked for 240 days continuously in any year.

In his cross-examination, the witness has stated that this Club is a Registered Organization, the workman who worked as a care-taker but was not on regular basis.

The Bye-Laws of Railway Club are on record shows the purpose of the Club. According to Bye-Laws, the duty of the Club is to provide facilities of recreation and gatherings to their families. The Railway Officers, who are in

service or retired, will be its members. There are also provisions for Management of this Club.

Except the affidavit of the workman there is nothing on record in form of any appointment slip, wage slip or any other document to show that he was engaged by Railways. Hence, the relationship between the Workman and Railways with regard to employee and employer status is held not established. The Workman is held to have been engaged by the Railways Club, as admitted by the Workman himself. His work was for few hours in morning and evening in the Club.

Section 2s of the Act is being reproduced as follows:

(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 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.

In the light of above discussion, holding the claim of the Workman not proved. The reference deserves to be answered against him.

AWARD

Holding the action of Management of M/s. Rail Adhikari Club in terminating the services of Mr. Narayandutt Sharma from 14.08.2014 is legal and justified in law. The workman is held entitled to no relief.

No order as to cost.

DATE:- 05/01/2026

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