



NC: 2026:KHC:38886
RP No. 565 of 2025

CNR: KAHC010814372025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REVIEW PETITION NO.565 OF 2025

BETWEEN:

SALEEM JAVED S/O. ABOOBAKAR,
AGED 36 YEARS, S/O. ABOOBAKAR,
R/O. MALPE CITY CENTRE,
FLAT NO.105, OPP. YELURU
MOGAVEERA BHAVAN,
MAIN ROAD, MALPE-576108,
UDUPI DISTRICT.

...PETITIONER

(BY SRI. SALEEM JAVED, PARTY-IN-PERSON)

AND:

1. THE MANAGEMENT OF
M/S. NETTAKALLAPPA AQUATIC CENTRE,
47/1/40, UTTARAHALLI MAIN ROAD,
PADMANABHA NAGAR, BANGALORE-560061,
REP. BY DIRECTOR.

2. SMT. SUJATHA TILAK KUMAR,
DIRECTOR, M/S. NETTAKALLAPPA AQUATIC CENTRE,
47/1/40, UTTARAHALLI MAIN ROAD,
PADMANABHA NAGAR, BANGALORE-560061.

...RESPONDENTS

(BY SRI. PAVAN SRINIVAS, ADVOCATE)

THIS REVIEW PETITION IS FILED UNDER SECTION 114 R/W
ORDER 47 RULE 1 OF CPC, 1908, PRAYING TO REVIEW THE ORDER
DATED 17.11.2025 PRODUCED AT "ANNEXURE-A", PASSED IN WRIT
PETITION WP.19182 OF 2024 (L-RES), IN THE INTEREST OF
JUSTICE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER
WAS MADE THEREIN AS UNDER:



CNR: KAHC010814372025

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

1. Heard the Party-in-Person/review petitioner and the learned Senior Counsel appearing for the respondent-Management.

2. This review petition is filed seeking review of the order dated 17.11.2025 passed in Writ Petition No.19182/2024.

3. The review petitioner/Party-in-Person submits that the Court has proceeded to take a view that the petitioner was working in administrative capacity and, as such, he is not a workman, and dismissed the petition.

4. It is his further submission that the contention ***"that the petitioner was working in the administrative capacity"*** was not raised before the Labour Court and was raised for the first time before the High Court. The High Court has proceeded as if the Labour Court had also recorded a finding that the petitioner was working in administrative capacity, though the Labour Court had recorded a finding that the petitioner was working in managerial capacity.



CNR: KAHC010814372025

5. The party-in person has referred to the contentions in paragraphs No. 6, 16, 24 and 25 in the statement of objection filed by the employer.

6. In addition, the review petitioner/Party-in-Person would also submit that his application for interim relief sought in the petition was not considered by the Court while deciding the writ petition on merit.

7. The learned Senior Counsel appearing for the respondent would submit that the Court has taken a view that the Party-in-Person/review petitioner was working in the administrative capacity. Though the Labour Court has held that he was working in a managerial capacity, this Court has held that he is not a workman by taking a view that he was working in administrative capacity and has assigned reasons in paragraph Nos.25, 42, 43 and 44 of the order sought to be reviewed.

8. It is further submitted that, before the Labour Court, the Management had taken a contention that the petitioner fits in the category of employee under Section 2(s),



CNR: KAHC010814372025

(iii) and (iv) of the Industrial Disputes Act, 1947 ("Act,1947") and, as such, he is not a workman.

9. In addition, the learned Senior Counsel would also refer to the judgment of the Apex Court in ***Kamlesh Verma vs. Mayawati and others***¹ to contend that the scope of a review petition is limited and that it cannot be treated as an appeal.

10. The Party-in-Person, replying to the submissions of the learned Senior Counsel, would urge that his submissions are confined only to errors apparent on the face of the record and, therefore, would urge that the petition be allowed.

11. The Court has considered the contentions raised at the Bar and perused the records.

12. In paragraph Nos.25, 42, 43 and 44 of the impugned order, this Court has held as under:

"25. From the above Clause, one may not be able to conclude the petitioner was entrusted with the managerial or administrative responsibility. What are

¹ (2013) 8 SCC 320



CNR: KAHC010814372025

the instructions or responsibilities given to the petitioner thereafter would define the status of the petitioner. This being the position, the Court has to look into the other materials that are placed before the Labour Court.

42. Keeping in mind the law laid down in the aforementioned judgments, the Court is of the view that the petitioner predominantly was carrying out administrative job in the respondent-Establishment. Even if it is accepted that he had done some of the work which would have been ordinarily carried out by the workman that does not take away the petitioner's predominant work which was administrative in nature.

43. Taking into consideration the role played by the petitioner as the 'sole pool manager' in the respondent/Establishment, the Court is of the view that the petitioner was playing active role in "running the day to day activities of the school" which he was required to do as per the terms of the employment. Thus, the role played by the petitioner has to be termed as an administrative role as urged by the respondent and held by the Labour Court.



CNR: KAHC010814372025

44. The Labour Court has taken into consideration all the relevant material facts and has rightly held that the petitioner is not a workman."

13. It is relevant to notice that this Court has recorded a finding that, from Clause No.3 in the appointment letter, it is not possible to ascertain whether the petitioner was working in a managerial or administrative capacity. However, having regard to the nature of the duties discharged by the petitioner, the Court came to the conclusion that the petitioner was working in an administrative capacity.

14. The expression "held by the Labour Court" found in last line of paragraph No.43 though would give an impression that the Court has proceeded on the assumption that Labour Court has recorded a finding that the petitioner was working in the administrative capacity, on considering the judgment in entirety and also paragraph No.44 of the order the Court is of the view that the writ petition is decided on the premise that the petitioner is not a workman as he was working in the administrative capacity and not in the managerial capacity.



CNR: KAHC010814372025

Sufficient reasons are assigned to come to the conclusion that the petitioner was working in the administrative capacity.

15. Though it is stated in the statement of objections before the Labour Court, that the petitioner was working in a managerial capacity at quite a few places, what is required to be noticed is whether employee was working in a managerial capacity or administrative capacity has to be understood from the nature of the work and not from the designation referred to in the pleading. That is the settled position of law.

16. Considering the nature of the work, the Court came to the conclusion that the petitioner was working in an administrative capacity.

17. It is also noticed that the defence is also raised before the Labour Court that the petitioner would fall under Section 2(s)(iii) and (iv) of the Act, 1947, which includes the contention that the petitioner was working in administrative capacity.

18. As far as the contention of the petitioner that the application for interim relief was not considered is concerned,



CNR: KAHC010814372025

the Court is of the view that the said application was not disposed of while passing the order in the writ petition. The application is filed seeking interim relief/compensation in the nature of subsistence allowance to the petitioner.

19. Since the Court has come to the conclusion that the Labour Court had no jurisdiction to adjudicate the dispute, the question of granting subsistence allowance does not arise.

20. Hence, the application seeking subsistence allowance is also dismissed. Since no error apparent on the face of the record is pointed out, the review petition is ***dismissed.***

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

RHR/-
CT: UMD
List No.: 19 SI No.: 1