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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010405012019
+ **W.P.(C) 10799/2019, CM APPLs. 44612/2019, 23320/2024**

M/S J.J. EXPO IMPO Petitioner
Through: Ms. Saumitra Singhal, Advocate

versus

SH. ALKESH JAIN Respondent
Through: Mr. S.P. Malik, Mr. Akansh Singhal,
Mr. Jai Allagh, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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25.08.2026

1. By way of the present petition filed under Articles 226 and 227 of the Constitution of India, the petitioner-management seeks to assail the award dated 01.12.2018 passed by the learned Labour Court-V, Dwarka Courts, Delhi in ID No.4800-16, whereby the claim application filed by the respondent/claimant came to be allowed.
2. The facts in nutshell are that the claimant had approached the Labour Court with the averment that the claimant was employed with the petitioner-management since 02.05.2012 on the post of an Accountant at a monthly salary of Rs.40,000/-. It was claimed that on 12.09.2013, he was told by Mr. *Sudama Prasad*, Head of the HR Department, that his services were no more required. He was asked to leave the premises with immediate effect and his wages from the period 01.09.2013 to 12.09.2013 were also not paid. The claimant had issued a demand letter on 20.09.2013 seeking reinstatement and allowances. The petitioner-management though sent a reply on



11/22.10.2013 stating therein that the services of the claimant were not terminated and asked him to rejoin his service. However, when he approached the management, he was not allowed to join his duties.

3. On reference being made, following issues were framed by the learned Labour Court for determination:-

“....a) Whether the claimant himself abandoned services of the managementw.e.f11.09.2013? OPM

b) Whether the claimant was working as an Accounts Manager, hence, not covered within the definition of workman provided U/S 2 (s) of Industrial Dispute Act, 1947? OPW.

c) If issue No.1 &2 are decided in favour of the workman, Whether his services were illegally or unjustifiably terminated by the management? OPW.

d) Relief... ”

4. Learned counsel appearing for the petitioner-management contends that the Labour Court erred in reaching the conclusion that the claimant was a workman. In this regard, it is contended that not only was the claimant earning wages @ Rs.40,000/- per month, but the nature of his duties were also supervisory. It was categorically stated that his subordinates, Ms. *Poonam Khanna* and Mr. *Biswajit Mishra*, were under his control and supervision.

5. It was next contended that, in the intervening period, the claimant had joined another entity, a fact admitted by him in his cross-examination.

6. On the other hand, learned counsel appearing for the claimant has defended the impugned award.

7. Insofar as the contention regarding whether the claimant falls within the category of a ‘workman’ is concerned, a bare reading of Section 2(s)(iv)



of the Industrial Disputes Act, 1947 (ID Act) shows that a person employed in a supervisory capacity would fall within the statutory exception to the definition of 'workman' if he draws wages exceeding Rs. 10,000/- per month. The provision further excludes a person who, by the nature of the duties attached to the office or by reason of the powers vested in him, exercises functions mainly of a managerial nature. Though the management had claimed that Ms. *Poonam Khanna* and Mr. *Biswajit Mishra* were subordinate to him and a suggestion in this regard was put to the claimant, however, the claimant categorically denied the same and rather stated that, in fact, it was the claimant, who was reporting to Ms. *Poonam Khanna*. It was conceded by the management that no appointment letter was placed on record and, consequently, no document evidencing the nature of duties performed by the claimant was produced before the Labour Court.

8. Considering the evidence led by the parties, this Court is inclined to concur with the findings of the Labour Court wherein it was held that the management failed to establish that the claimant was exercising any control or supervision over Ms. *Poonam Khanna* and Mr. *Biswajit Mishra*.

9. Next, it is contended by the management that the claimant was gainfully employed in between. In the cross-examination, when a suggestion to this effect was put, the claimant admitted that he was employed with M/s Eastern Base with effect from 29.06.2016. The learned Labour Court has only considered the period from 01.09.2013 to 28.06.2016 for awarding the last drawn wages. Thus, it is clear that for the period after which the claimant had admitted to be gainfully employed, no compensation has been awarded to him by the learned Labour Court. Further, it is noted that though the management had claimed that the claimant had abandoned his services,



however no notice in this regard has been placed on record.

10. In view of the aforesaid discussion, I find no ground to entertain the present petition and the same is accordingly dismissed, along with pending application(s).

11. At this time of issuance of notice in the present petition, the petitioner was directed to deposit 50% of the awarded amount. Let the same be released to the respondent-claimant. The remaining amount is also directed to be paid to the respondent-claimant by the petitioner within four weeks from today.

12. The appeal is disposed of in above terms.

MANOJ KUMAR OHRI, J

AUGUST 25, 2026/rd