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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 926 of 2025

and

CMP No. 7850 of 2025

1. The Management
Panacea Biotec Pharma Ltd. Rep by
Dr.Rajesh Jain, Managing Director, Registered
Office B-1, Extn/A-27, Mohan Co-op.,
Industrial Estate, Mathura Road, New
Delhi-110 044.
2. Ankesh Jain Whole time Director
Panacea Biotec Pharma Ltd. Corporate Office
B-1, Extn/A-27, Mohan Co-op., Industrial
Estate, Mathura Road, New Delhi-110 044.

..Appellant(s)

Vs

S.Raja,
S/o.V.Samudram, No.10/20,
Madhavaram High Road, 2nd Lane,
Perambur, Chennai-600 011.

..Respondent(s)

WA No. 926 of 2025

To set aside the impugned order dt. 28/01/2025 passed in
W.P.No. 352 / 2024

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For Appellant(s): Mr.C Manohar Gupta

For Respondent(s): Mr.S.Raja,
Party-in-person

Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 28.01.2025 passed in W.P.No.352 of 2024.

2. The respondents are the appellants before this Court. The respondents raised an Industrial Dispute under Section 2A(2) of the Industrial Disputes Act, challenging the validity of the dismissal order. The Labour Court passed an Award that the respondent is not a “workman” within the definition of Section 2(s) of the Industrial Disputes Act. Aggrieved by the Award, the workman preferred a Writ Petition before the Writ Court under Article 226 of the constitution of India.

3. The Writ Court considered the facts that the respondent joined in the appellant Management on 09.09.2014 as Area Business Manager and he has served about 2228 days. While so, the order of termination was directly issued by the Management on 29.08.2020. Thus, an Industrial Dispute came to be raised. After conciliation, the Labour Court, adjudicated the issues and held that the respondent is not a workman.



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4. The writ Court elaborately considered the scope of definition of “workman” under Section 2(s) of the Industrial Disputes Act and remanded the matter back to the Labour Court for adjudication of the issues on merits, considering the respondent as a workman under the provisions of the Industrial Disputes Act.

5. Learned counsel for the appellants would mainly contend that the respondent was holding the post of Area Business Manager, which is supervisory in nature. . Thus, the Labour Court considered the duties and responsibilities attached to the post held by the respondent/workman and passed an award that the respondent is not a workman under the Industrial Disputes Act. The writ Court has reversed the order mainly on the ground that though the nomenclature of the post of Area Business Manager, no other employee was working under the respondent and he was directly performing the duties and responsibilities akin to that of a medical representative. The appellant Management is a pharmaceutical Company and he was working as a medical representative to takes orders from various establishments and place it before the Company. Therefore, the nomenclature, Manager, should not stand in the way of the respondent to raise the dispute as a workman under the Industrial Disputes Act.

6. Learned counsel for the Management would rely on the judgment of the constitutional bench of the Hon’ble Supreme Court of India in the case of



H.R.Adayanthaya and Others Vs. Sandoz(India) Ltd., and others reported in **(1994) 5 SCC 737**¹. However, the scope of the judgment has been considered by the writ Court in paragraph No.7 of the impugned judgment which reads as under.

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7.11. *The Labour Court in this case only relied upon the Judgment of the Madhya Pradesh High Court. A perusal of the Judgment of the Madhya Pradesh High Court, it only relied upon the earlier pronouncement of the Division Bench of that Court in Novartis India Limited's case (cited supra). In Novartis India Limited's case (cited supra) the Hon'ble Division Bench of the Madhya Pradesh High Court had only held that the Sales Promotion Employees are not Workman within the meaning of Section 2 (s) of the ID Act. Further, in the instant case, by virtue of Section 6 (2) Sales Promotion Employees (Conditions of Service) Act, 1976, the provisions of the Act has been applied. In that view of the situation, the Labour Court in only one sentence holds the position of the petitioner is administrative and managerial in nature. In this regard, as rightly contended by the Party-in-Person, the designation of the employee is irrelevant. When the work flow chart itself shows that there is no other employee under the petitioner, the petitioner cannot be stated to be in a supervisory or managerial capacity. He is called as a Area*

¹(1994) 5 SCC 737



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Sales Manager, because, he has to pitch and promote the sales. He has to manage only the sales target. Therefore, it cannot be said that his employment is in a managerial or an administrative capacity. His employment is pure and simple, especially it is only for a sales promotion. Merely because the petitioner is qualified and is a matured person and also employed to promote sales with the bigger institutions does not alter the provisions vis-a-vis the definition of the sales promotion employee as per Section 2 (d) of the Act.

7.12. When the Management itself in its pleadings extracted supra, whereunder, it has been held that the primary duty of the petitioner is to meet the sales target in his area and to promote institutional sales with the autonomous and State owned institutions. In view thereof, I hold that the petitioner is only a sales promotion employee and he is not employed in any supervisory, managerial or administrative capacity. Therefore, the findings of the Labour Court made in this regard is unsustainable. Accordingly, I answer the question.

7. The Writ Court has elaborately considered the definition of workman under Section 2(s) of the Industrial Disputes Act and held that the respondent is to be treated as workman for adjudication of dispute raised under the Industrial Disputes Act. The reasons given by the Writ court in the order impugned are candid, convincing and based on the judicial pronouncement. That being so, this Court is not inclined to interfere with the said order. Since



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the matter is remanded back, the parties are at liberty to adjudicate the issues on merits, based on the available documents and evidence on record.

8. With the above observations, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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**S.M.SUBRAMANIAM J.
AND
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vsi

**WA No. 926 of 2025
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CMP No. 7850 of 2025**

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and
C.M.P.No.7850 of 2025**

S.M.SUBRAMANIAM, J.,

and

K.SURENDER, J.,

The Writ Appeal is listed today under the caption 'FOR BEING MENTIONED' at the instance of the appellant.

2. Respective learned counsel for the appellant as well as respondent are present before this Court.

3. It is submitted that in the third line of paragraph No.3 of the order dated 16.04.2026, it has been wrongly mentioned as “**2228 days**” instead of “**2289 days**”. Similarly, in the fourth line of the same paragraph, the date has been wrongly mentioned as “**29.08.2020**” instead of “**15.12.2020**”.

4. The learned counsel appearing for the respective respondents have no objection to the said corrections being carried out.

5. Accordingly, the Registry is directed to correct out the necessary corrections by substituting the days “**2289 days**” in the place of “**2228 days**” and the date “**15.12.2020**” in the place of “**29.08.2020**” in paragraph No.3 of the order dated 16.04.2026.



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mk

6. In all other respects, the order dated 16.04.2026 shall remain unaltered. The Registry is directed to issue a fresh certified copy of the corrected order to the respective parties.

[S.M.S, J.,] [K.S, J.,]

22.04.2026

mk

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