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WP No. 16932 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

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THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 16932 of 2023

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R.Raja Paul

..Petitioner

Vs.

The Management of
M/s.Zamil Steel Engineering India Pvt Ltd.,
"Kochar Technology Park",
Door No.SP-31A, I Cross Road, II Floor,
Ambattur Industrial Estate,
Ambattur, Chennai-600 058.

..Respondent

Writ Petition filed under Article 226 of the Constitution of India, calling for the records pertaining to the Award, dated 22nd day of February 2023 in O.P.No.118 of 2022 on the file of the Presiding Officer, II Addl. Labour Court, Chennai and quash the same and to direct the respondent to re-instate the petitioner herein into service, with continuity in service and other attendant benefits

For Petitioner : M/s.R.Selvakumar
S.Sridevi

For Respondent : Mr.S.Sathish

ORDER

The Writ Petition is filed questioning the interim order passed by the Labour Court, whereby the Labour Court found in favour with the Management



regarding the termination of the petitioner in his employment.

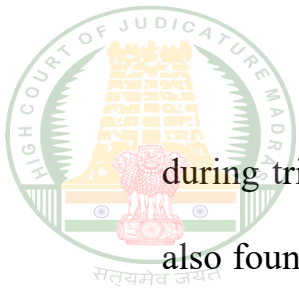
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2. The petitioner was appointed on 09.12.2002 as Checking Engineer and was given the job at Chennai Office. After his probation, his job was confirmed on 06.06.2003. The nature of job of the petitioner, according to him, is to verify, correct, improve, re-draw, the Engineering drawings as directed by the Management with reference to the required structures, project, etc. The petitioner was served with a termination order on 18.10.2019. There was slump in the business, which requires shrinkage for employees' strength.

3. It is not in dispute that the procedures required for termination were followed and the outstanding amount was paid, apart from statutory one month period of salary. At the time of termination, the petitioner was drawing salary of Rs.1,04,641/-.

4. Two years after the termination of the petitioner, O.P.No.118 of 2022 was filed before the Labour Court, seeking direction to set aside the termination and also reinstatement of the petitioner.

5. The Labour Court, having conducted trial and examining the oral and documentary evidence, found that the petitioner is not a "workman" and he was in the Managerial cadre, which is evident from the evidence that was adduced

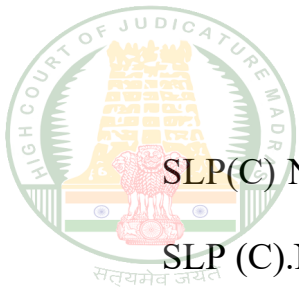


during trial and also the admission made by the petitioner. The Labour Court also found that the petitioner, even at the time of his employment, was inducted in the Managerial capacity and he cannot be called as "workman" to approach the Labour Court.

6. Learned counsel for the petitioner submitted that the petitioner had rendered unblemished service of 17 years. The reason given for termination is due to slump of the business, which is incorrect on account of the subsequent employment of persons in the very same cadre. Though the appointment order reflects that the position was the Managerial capacity, however, the nature of work of the petitioner was "workman" and he falls within the definition of "workman" under Section 2(s) of the Industrial Disputes Act.

7. On the other hand, learned counsel for the respondent/Management submitted that at the time of appointment itself, it was made clear that the petitioner was appointed in the Managerial capacity and at the time of his termination, all the procedures prescribed under the Act, were followed. A lump-sum amount was paid, apart from the monthly salary.

8. Learned counsel for the respondent relied on a judgment of the Honourable Supreme Court in the case of Lenin Kumar Ray Vs. M/s.Express Publications (Madurai) Ltd., in Civil Appeal No.11709 of 2024 (arising out of



SLP(C) No.5660 of 2023) with Civil Appeal No.11710 of 2024 (arising out of SLP (C).No.12876 of 2024), dated 21.10.2024

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9. Having gone through the records, it is seen that the petitioner was appointed on 09.12.2002 as Checking Engineer. The appointment order was ... produced, relevant portion of which reads as follows:

"13) Your job will essentially be supervisory managerial whereby you will have to show individual initiated and discretion and consequently you will not be covered by any of the statutory provisions applicable to non-managerial and non-supervisory capacity.

14) After confirmation, your services can be terminated with notice from either side of ONE month or ONE month's salary in lieu of notice by either side."

10. The petitioner was terminated from service on 18.10.2019. Further, it is not in dispute that at the time of his termination, the petitioner was getting an amount of Rs.1,04,641/- being one month's salary, was paid and the settlement amount of Rs.7,29,975/- was also paid.

11. Section 2(s) of the Industrial Disputes Act, defines "workman" as follows:

"2(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



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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--

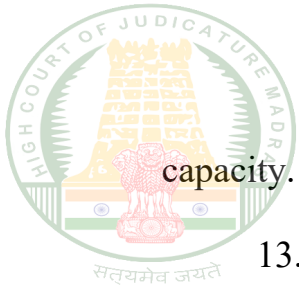
(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957); or

(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."

12. The petitioner herein was employed in the cadre of Checking Engineer. According to the appointment order, the job was essentially a Supervisor in the Management cadre. The initial salary that was drawn by the petitioner in the year 2002, was Rs.12,455/-. The admission during the trial was extracted in the judgment of the Labour Court and the petitioner was evidently working in the Managerial capacity. The learned counsel's argument that he has filed documents to substantiate that the petitioner was "workman", cannot be adjudicated in the present Writ Petition, when the appointment order and admission made during trial, clearly indicates that he was in the Managerial



13. For the reasons stated above, it is clear that no grounds are made out to interfere with the impugned order passed by the Labour Court. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

23-06-2026

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

The Second Additional Labour Court, Chennai.



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K.SURENDER, J

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