MHIC100000212026

Presented on : 03-02-2026
Registered on : 03-02-2026
Decided on : 06.03.2026
Duration : 0Y 1M 1 D

IN THE INDUSTRIAL COURT AT SANGLI
Presided Over by SHRI. F. M. PATHAN

Revision Application (ULP) No. 3 of 2026

Meena Ganapati Patil
R/o. Datta Colony, Galli No.1,
Datta Mala, Vasumbe, Tal. Tasgaon,
Dist. Sangli … Revision Applicant
(Original complainant)

VERSUS

Regional Controller,
M. S. R. T. C. Sangli Region, Sangli.
Through its Divisional Controller … Revision Opponent
(Original respondent)

Appearances : Mr. S. S. Mutalik, Adv. for the Revision Applicant.
Mr. N. M. Jagdale, Adv. for the Revision opponent.

CORAM : Mr. F. M. Pathan, Member.

J U D G M E N T
(Dated : 06.03.2026)

This is a revision application under Section 44 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 [hereinafter referred as 'MRTU & PULP Act'], wherein the applicant challenged the legality and propriety of the Judgment and order dated 6.1.2026 passed by learned Labour Court, Sangli in Complaint (ULP) No. 6 of 2023, whereby said complaint came to be dismissed upon holding that applicant is not a

workman under Industrial Disputes Act, 1947 [hereinafter referred as 'I.D. Act']. For the sake of convenience here-in-after parties are referred as per their status in original matter i.e. Complaint (ULP) No. 6/2023.

2. Along with the copy of impugned Judgment and order, the complainant has also filed copy of an application at Exh.U-93 whereby on the date of said Judgment itself, she prayed to the learned Labour Court to stay the execution of the impugned Judgment and show cause notice of dismissal issued by the respondent. It appears that the learned Labour Court vide the order dated 6.1.2026 extended interim relief upto one month from the date of impugned Judgment. In view thereof, the complainant continued to be in employment. Whilst in the employment, she filed present revision application. By filing application at Exh.U-2, she sought interim directions restraining the respondent from dismissing her and to maintain status quo till final disposal of the revision.

3. The respondent appeared and by filing reply at Exh.C-2 to interim relief application at Exh.U-2 supported the impugned order.

4. At the instance of the complainant, the record and proceedings of Complaint (ULP) No. 6/2023 is called from the learned Labour Court. The complainant by filing application at Exh.U-17 sought extension of above interim protection granted by the learned Labour Court while dismissing her complaint. Said application is opposed by the learned Advocate for the respondent. The learned Advocate for the respondent pressed for argument on interim relief application instead of extending ad-interim protection. The learned Advocate for the complainant showed willingness to

argue the matter finally. In view thereof, the protection granted by the learned Labour Court is continued by this Court vide order dated 21.2.2026 till next date. Accordingly, the learned Advocates for both the parties argued the matter finally.

5. Heard learned Advocates for both the parties. Perused the material on record. Having heard, following points arise for determination. I record my findings thereon for reasons to follow :

SR. NO.	POINTS	FINDINGS
1.	Whether impugned Judgment and order dated 6.1.2026 in Complaint (ULP) No. 6/2023 suffers from any material error and requires interference in exercise of supervisory jurisdiction under Section 44 of the MRTU & PULP Act, 1971 ?	In the negative.
2.	What order ?	As per final order.

REASONS

6. At the outset, it is to be noted that, present revision is filed by invoking the jurisdiction under Section 44 of MRTU & PULP Act,1971. The supervisory jurisdiction under Section 44 is very limited. The exercise of such supervisory power is warranted only when the impugned order suffers from any material error or defect apparent on the record or the impugned order is not based on the material on record in other words, it is perverse. With this perspective the impugned order is to be considered in the light of material on record.

7. It is matter of record that complainant filed the Complaint (ULP) No.6/2023 before learned Labour Court, Sangli

apprehending the termination of her services at the hands of the respondent, as proposed in the show cause notice dated 20.02.2023. In written statement, the respondent put-forth one of the defence that the complainant is not a 'workman' as contemplated under Section 2(s) of the I.D. Act, and 'employee' under Section 3(5) of the MRTU & PULP Act, 1971 and accordingly, sought dismissal of that complaint. Besides taking such defense in the written statement, respondent filed separate application at Exh.C-9 raising the preliminary objection as to the maintainability of said complaint on that ground. In view of that application, the learned Labour Court framed two preliminary issues as regards the status of the complainant that of 'workman' under Section 2(s) of the I.D. Act and jurisdiction of the Labour Court to entertain said complaint. The record and proceedings of original complaint show that both parties adduced evidence in respect of those preliminary issues and then by way of impugned Judgment and order, the learned Labour Court answered those issues against the complainant and dismissed the complaint.

8. The said decision of the learned Labour Court is under challenge in this revision on various counts. First and foremost contention of learned Advocate for the complainant is that, as per the settled law, the exact nature of duty and not the nomenclature of the post held by the person is the test to identify whether such person is a 'workman' under the I.D.Act. According to learned Advocate for the complainant, the complainant was appointed as "Traffic Inspector" in Class III category. She was doing the work of clerical nature like maintaining various registers. Neither she was assigned supervisory duty nor she performed any such work. No evidence is produced by the respondent showing any such assignment or

performance of supervisory work by the complainant. According to him, the leave applications filed by the respondent shows that, the complainant only forwarded the same to her senior who sanctioned them. The complainant was not having any power to sanction the leave of other employees. Her predominant duty was of purely clerical in nature. She never supervised any other employee. Thus, not only nomenclature of her post, but also the nature of her duty was of 'workman' as contemplated under Section 2(s) of the I.D. Act. According to the learned Advocate for the complainant, the learned Labour Court disbelieved the evidence produced by the complainant and believed the defence of respondent for no reason. Without considering the material on record and without analyzing and applying the authorities relied upon by the complainant, the learned Labour Court came to wrong conclusion that she is not a 'workman'.

9. It is next contention of the learned Advocate for the complainant that, the respondent had always treated the complainant as if she is a 'workman'. The benefits of service agreements such as free pass facility, which are exclusively admissible to the workers falling in Class III and IV were given to the complainant. Besides that, the charge-sheet was issued to the complainant as per Discipline and Appeal Procedure, as if she is a 'workman'. Thus, all along the respondent treated the complainant like a 'workman'. Accordingly, respondent is estopped by conduct from denying her status that of a 'workman'. The learned Labour Court did not consider the principle of estoppel by conduct and ruled in favour of the respondent.

10. The learned Advocate for the complainant further contended that in para No. 22 of the impugned Judgment, the

learned Labour Court observed that the complainant seems to be not a 'workman'. According to him, since the learned Labour Court used the word 'seems', it is clear that the learned Labour Court was not certain about exact status of the complainant and despite that erroneously concluded that she is not a 'workman'. He further argued that by not complying with the settled law regarding all issues to be tried together, the learned Labour Court framed preliminary issues and decided the same, which resulted in miscarriage of justice. According to learned Advocate for the complainant, for all these reasons,the impugned Judgment and order is perverse and requires interference by this Court. He lastly stated that in order to enable the learned Labour Court to consider the principle of estoppel and non production of relevant documents by respondent about actual duty performed by the complainant and also to apply of the authorities cited before him, the matter be remanded back by quashing and setting aside the impugned Judgment.

11. As against this, the learned Advocate for the respondent argued that. from the advertisement pursuant to which complainant was appointed, it is clear that her appointment was on supervisory post in State cadre. Besides that, her duty list shows that she was entrusted with the duty to supervise and get all the work of her department done from subordinates. Accordingly, she got such work done from subordinates. According to him, during her cross examination before learned Labour Court complainant had given admissions in that regard. That apart, several documents are available with the concerned department of the respondent to show that the complainant did such supervisory work. Since, she was working in supervisory category and drawing wages more than the ceiling provided under the I.D. Act, the complainant cannot fall

within the ambit of definition of 'workman'.

12. The learned Advocate for the respondent further argued that, though the complainant was appointed in Class III category, but as per well settled principle laid down in authorities relied upon by the complainant herself, the exact nature of her duty and not the nomenclature or class of post is the decisive factor to decide her status. According to him, since main duty of complainant was to supervise the work of her department, her appointment in Class III category is of no importance.

13. The learned Advocate for the respondent further argued that, all the employees of all cadres of the respondent corporation are subject to Discipline and Appeal Procedure. Hence, complainant was also subjected to disciplinary action as per the Discipline and Appeal Procedure. Likewise, the benefits of all the agreements with union are given to all the employees including the complainant. Therefore, according to him, it cannot be said that complainant was treated as if she was employee of 'workman' category.

14. In reply to the arguments of learned Advocate for the respondent, the learned Advocate for the complainant contended that, the advertisement and alike documents are not relevant because the actual duty performed by the complainant is to be seen. The documents pertaining to the actual work performed by the complainant may be available with the respondent, but they are not produced before learned Labour Court. Hence, according to him, the contentions of the respondent cannot be considered. In support of his contentions, the learned Advocate for the complainant relied upon certain authorities.

15. Having considered the contentions of both the parties in the light of record and proceedings of the original matter, the challenge to the impugned Judgment and order appears to be unsustainable. As contended by the complainant, in the following authorities :

1. Seth Jeejeebhoy Dadabhoy Charity Funds and three others Vs. Farokh Noshir Dadachanji [2005 III CLR 110 (Bombay High Court).
2. Arkal Govind Raj Rao Vs. Ciba Geigy of India Ltd., Bombay – Civil Appeal No. 2638 of 1980 decided on May 6, 1985 (S.C.)
3. C. Gopinath Pillai Vs. Thermax Limited & Ors. [2005 I CLR 345] Bombay High Court.
4. Workmen of M/s. Hindustan Lever Ltd, & Ors. Vs. Management of M/s. Hindustan Lever Ltd. [1984 (1) SCC 728 (SC)
5. Mayank Desai Vs. Sayaji Iron & Engg. Co. Ltd. & Anr. - 2011 II CLR 485 (Gujarat High Court),

cited before the learned Labour Court, and also in the following authorities :

1. Srinibas Goradia Vs. Arvind Kumar Sahu and Others (2025 SCC Online SC 2852).
2. Ved Prakash Gupta Vs. Delton Cable India (P) Ltd (1984) 2 SCC 569.
3. Ananda Bazar Patrika (P) Ltd Vs. Workmen (1970) 3 SCC 248.
4. National Engineering Industries Ltd Vs. Shri. Kishan Bhageria and Others 1988 Supp.SCC 82,

cited before this Court by the complainant, the test to identify whether a person falls within the definition of ‘workman’ under Section 2(s) of the I.D Act is laid down. It is held that nature of predominant duty is the decisive factor whatever may be the designation of that person. Incidental or ancillary work of supervisory nature does not convert a workman into supervisor, if he performs mainly clerical work. As stated by learned advocate for complainant, though facts of above authorities are distinct, but the ratio laid therein is binding. In view of such binding ratio, it has to

be seen whether learned labour court applied the test while deciding the status of complainant.

16. From impugned Judgment and order, it appears that learned Labour Court considered the oral as well as documentary evidence of both the parties in detail. In para No. 21 to 23 of the impugned Judgment, the learned Labour Court stated about consideration of the Depot Manual, Discipline and Appeal Procedure and MSRTC Manual produced by the parties and observed that, the complainant was Class III employee appointed in the State cadre of supervisory post by the Central Office of the respondent and that she was assigned duty of supervisory nature like to supervise the work of workman under her control, maintain the register, check the tickets stock and issue certificates, check the break down register, check the lost property register, check the ticket utilization register, go on line checking and carry out survey of routes under the directions of the Depot Manager. Having observed as above, the learned Labour Court concluded that, not only the designation of the complainant, but also her work was of supervisory nature.

17. In the relevant page No. 264 and 265 of the Traffic Manual filed in the complaint at Exh. C-22, the duty list of Traffic Inspector is given. There are about 30 duties. Almost all of them appear to be of supervisory nature. The complainant has neither disputed her designation nor the duties enlisted in the Depot Manual. It is worth to note that during her cross examination at Exh.U-33, the complainant admitted in para No.9 that in Depot Manual the duty list of Traffic Inspector is given. However, it is her grievance that the learned Labour Court disbelieved her evidence and believed the defence of the respondent for no reason. This

contention is without substance. As discussed above, the learned Labour Court considered the material documents filed by both the parties. He also discussed the chief examination and cross examination of the complainant and the defence witness respectively in para No.4 to 6 and 12 to 13 of judgment. The learned Labour Court noted that, during cross examination, the complainant admitted that, she used to accept the leave applications from drivers and conductors and was having authority to make endorsement thereon. Likewise, the cross examination of the defence witness of the respondent is also considered and it is observed that said witness admitted that, the Traffic Inspector is under control of Assistant Traffic Superintendent and Traffic Inspector has only authority to endorse the application and all the rights of sanctioning the leaves are with the Depot Manager. Thus, it is not the case that the learned Labour Court did not consider the evidence of the complainant. The learned Labour Court analyzed the evidence of both the parties and found the defence of the respondent sustainable. Accordingly, by applying the test laid down in the authority cited before him, he reached to the conclusion.

18. The next contention of the complainant is that, the documents showing that she was assigned the enlisted work or she actually performed the same are not produced on record and despite that the learned Labour Court ruled against her. This contention is also not sustainable. As contended by the complainant except the leave applications, no other documents regarding the work done by her appears to have been produced by respondent. However, it is contention of the learned Advocate for the respondent that being Traffic Inspector, the complainant used to get the work of her department done through workers working under her and she was

not supposed to do that work herself. This contention of the respondent is having substance. In her cross examination at Exh. U-33, the complainant has given admissions. In para No. 11 of cross examination, she admitted that it was her duty to accept the leave applications of drivers and conductors and forward the same to the Depot Manager with her recommendations either to allow or reject the same. Then, she gave material admission that it was the part of her duty to get all the work related to the maintenance of transportation, done through workers and inform the same to the Manager. Then again in para No.13, she admitted that, if any worker of the Depot was absent, then it was her responsibility to inform to the senior. She also admitted that Traffic Inspector can be promoted to the post of Assistant Traffic Superintendent and now she is eligible to be appointed as Assistant Traffic Inspector. She denied other suggestions. However, above admissions support the contention of the respondent and the conclusion drawn by the learned Labour Court. In view of above admissions, the production or non production of the documents in that regard does not matter. Further, it is not the case that no document is produced by the respondent. As stated above, the record and proceedings of the original complaint show that, the leave applications recommended by the complainant were filed at Exh. C-17 to C-21. The learned Labour Court has taken note thereof. The learned Labour Court analyzed the material on record and by applying the tests laid down in above authority arrived at such conclusion

19. Here, it is also necessary to note that as stated above, in Traffic Manual at Exh. C-22, there are about 30 duties and almost all of them appear to be of supervisory nature. The complainant was duty bound to discharge such duties of supervision. The complainant

cannot take the stand that though such duties were enlisted in the manual, but she did not perform the same or that there is no documents showing such performance. She cannot be heard saying so, because it was her duty and she was responsible to discharge the same irrespective of fact whether there is no document showing such performance.

20. It is the next contention of the complainant that, the respondent has treated her as a 'workman' by extending her the benefits of the agreements between the respondent and union relating to the service conditions of the Class III and IV employees and also by subjecting her to the Discipline and Appeal Procedure applicable to the employees of the 'workman' category and therefore, the respondent is estopped by conduct to deny her status that of 'workman'.

21. Above contention is also unsustainable for more than one reason. Firstly, as per the definition of 'workmen' under Section 2(s) of the I.D. Act, the supervisor is included in inclusive part of the definition. It appears that supervisor is basically a 'workman'. However, as per the Clause IV of exclusion part of the definition, if such supervisor draws the wages exceeding Ten Thousand Rupees per mensen or exercise either by the nature of duties attached to the office or by reason of the powers vested in him, functions mainly of managerial nature, then he ceased to be 'workman'. In view of such definition, the respondent may not be faulted even if they treated the complainant as 'workmen'. During the cross examination, the complainant admitted that, her wages were Rs. 38,000/-. By virtue of such wages which were more than the ceiling, she automatically came out of inclusive part of the definition and thus, ceased to be a

'workman'.

22. Secondly, it is the contention of the respondent that, the Discipline and Appeal Procedure of the Corporation is applicable to all the employees irrespective of their cadre. This contention is not disputed. Therefore, the disciplinary action against the complainant as per the Discipline and Appeal Procedure cannot be the criteria to decide her status. So far as the benefit of agreements between the respondent and union are considered, it is not in dispute that, it were extended to the complainant, but again this fact also cannot be the ground to hold complainant as workman. The complainant was working as a Traffic Inspector in Class III State cadre. Her duties were of supervisory nature and therefore, the benefits of agreements were extended to her, but as stated above, on account of her wages which exceeded the ceiling provided under Section 2(s) of the I.D. Act, she came out of the definition of 'workman'. Hence, the contention that the benefits of agreements like free pass etc. were extended to her is of no importance. By operation of law, complainant ceased to be a 'workman'. Hence, it cannot be said that, respondent is estopped from disputing her status and learned Labour Court did not consider the same.

23. It is also contended by learned Advocate for the complainant that in para No.22 of the impugned Judgment, the learned Labour Court observed that the complainant seems to be not a 'workman'. According to him, since the word 'seems' is used, it is clear that the learned Labour Court was not certain about exact status of the complainant and despite that erroneously concluded that she is not a 'workman'. This contention is misconceived. No doubt such word is used in para No.22 of the impugned Judgment,

but merely on that count, it cannot be said that the learned Labour Court was not firm about the status of the complainant. The impugned Judgment has to be considered in its entirety. It appears that having analyzed the material on record, the learned Labour Court culled out his opinion. Hence, above contention of the learned Advocate for the complainant cannot be considered.

24. It is the last contention of the learned Advocate for the complainant that, the learned Labour Court by ignoring the settled law that all issues be tried together, proceeded to frame and decide preliminary issues only, which according to the complainant caused miscarriage of justice. This contention cannot be considered at this stage. The record and proceedings of the original complaint shows that, the respondent filed application at Exh.C-9 praying to frame preliminary issues as regards maintainability of the complaint as the complainant is not a 'workman'. The learned Labour Court allowed that application vide order dated 20.6.2023 and framed preliminary issues. Then, vide order dated 27.6.2023 the learned Labour Court decided said preliminary issues holding that the complainant is not a 'workman' and the Court has no jurisdiction. Being aggrieved thereby the complainant preferred revision bearing Revision Application (ULP) No. 11/2023 before this Court. The learned predecessor of this Court by its Judgment and order dated 20.10.2023, remanded the matter for deciding the said preliminary issues afresh by granting opportunities to both the parties to lead evidence. Accordingly, both the parties adduced documentary and oral evidence before labour court and then, impugned Judgment and order came to be passed. The complainant participated in the trial on preliminary issues. If she had any objection about the framing of preliminary issues, then she ought have raised the objection before the learned Labour Court or

before this Court in first Revision Application (ULP) No. 11/2023, but it is not her case that she took any such objection. Having participated in the trial on preliminary issues, now she cannot be justified in raising such objection at this second round of litigation. It appears that having suffered an adverse order, the complainant turned around and challenged the procedure, which is not permissible.

25. Even otherwise, the jurisdiction of the learned Labour Court to entertain the complaint under Section 28 of the MRTU & PULP Act depends on the status of parties that of 'workman' and 'industry' under the relevant Act. The status of complainant was in serious dispute. Therefore, the learned Labour Court appears to have framed the issues in that regard.

26. It appears that there is no any procedural illegality or any perversity in the Judgment and order dated 6.1.2026 passed by the learned Labour Court in Complaint (ULP) No. 6 of 2023, which warrant any interference in exercise of limited power under section 44 of the MRTU & PULP Act. There is also no reason to remand the matter as contended by the learned Advocate for the complainant. Accordingly, point No.1 is answered.

27. Today, complainant filed application at Exh.U-20 praying to extend the ad-interim relief granted vide order below Exh.U-17. As stated in the beginning of this Judgment, by virtue of ad-interim relief granted by the learned Labour Court during the pendency of the original complaint and which came to be extended by the learned Labour Court while dismissing the complaint and which is continued by this Court vide order below Exh.U-17, it appears that the

complainant is still in the employment. It appears that she wants to explore the further remedy available in law while remaining in service. Therefore, she sought the extension of such interim protection. The complaint of the complainant is dismissed by the learned Labour Court on finding that she is not a workman under the I.D. Act. Her complaint is not decided on the merit of the matter. Since she wants to explore further remedy, it appears that time is required to be granted to her for that purpose. Here it is necessary to state that in the original complaint it was the categoric case of respondent that only show cause notice of dismissal dated 20.02.2023 it was issued to the complainant and the domestic inquiry initiated against her yet to reach logical end. It is matter of record that in view of said show cause notice, the complainant filed the original complaint under the apprehension of imposition of proposed punishment without submitting any reply to said notice. Having failed before the learned Labour Court and also before this Court, now complainant is supposed to file reply to the impugned show cause notice. Then only the respondent will take decision about imposition of proposed punishment. The filing of reply by the complainant to show cause notice and the final decision thereon by the respondent will certainly take time. In the meanwhile, if the complainant wants to explore further remedy then she will get the time. In such circumstances, it appears to be proper to put the complainant at liberty to file reply to the impugned show cause notice of punishment within 15 days from today. Likewise, the respondent is required to be directed to give 15 days time to the complainant to file reply to the show cause notice and then to take the decision. Needless to say that if no reply is filed by the complainant within 15 days, then respondent will be at liberty to take appropriate decision. If such course is adopted then

complainant will get sufficient time to explore further remedy if she wants. In such attending facts and circumstances, there is no need to continue ad-interim protection granted by the learned Labour Court. The application at Exh. U-20 stands disposed off. Accordingly, following order is passed :

ORDER

1. The revision is hereby rejected.
2. The complainant is put at liberty to file reply to impugned show cause notice dated 20.02.2023 within fifteen days from the date of this order.
3. The respondent is hereby directed to grant fifteen days time to the complainant to file reply to the impugned show cause notice and then only to take final decision about proposed punishment.
4. No order as to the costs.
5. Record and Proceedings be sent back to the learned Labour Court, Sangli.

PATHAN FIRDOS MUSA KHAN
Digitally signed by PATHAN FIRDOS MUSA KHAN
Date: 2026.03.07 16:01:40 +0530

Sangli (F. M. Pathan)
Dated : 06.03.2026 Member, Industrial Court, Sangli

Argued on : 25.02.2026
Judgment directly dictated on : 06.03.2026
Judgment checked & signed on : 07.03.2026
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