

**BEFORE G. S. HANGE JUDGE, LABOUR COURT AT ALIBAG,
DIST - RAIGAD.**

COMPLAINT (ULP) 13/2024.

CNR.No.MHLC060000792024

Pramod Devidas Lad

Age- Major

R/O Patil Ali, Village Dahiwali

Tal- karjat Dist- Raigad.

Complainant/s

V/s.

1. M/s Parle Biscuits Pvt. Ltd.,

At Village Khirkandi

Post- Donvat, Tal- Khalapur

Dist – Raigad.

2. Mr. Sanjay Gahalwat

Deputy General Manager

Post- Donvat, Tal- Khalapur

Dist- Raigad.

Respondent/s

Order below Exh. C-04

(Passed on 31/10/2025)

The respondents filed the present application for framing preliminary issue on the point of workman. Perused the application, say of the complainant and other proceedings of the matter. Heard both the parties at considerable length.

02. The respondents submitted that in their written statement they have raised an objection in respect of the complainant being the workman in their company and they have prayed for framing the preliminary issue on the point of workman and decide the same first. On the other hand the complainant filed his objection and contended that the issue of workman has been covered under the main issues which have already been framed and it is unnecessary to frame the

issue of workman separately as a preliminary issue. He contended that the present application has been filed at the belated stage and is filed to prolong the proceedings and in the end prayed for rejection of the application.

03. I have carefully gone through the proceedings and the arguments advanced by both the parties. In para 4(d) of the pleadings the complainant has stated that he was doing the manual and skilled work and is a workman within the meaning of section 2(s) of the Industrial Dispute Act. He states that his designation is only suggestive and his work will be ancillary or connected to his job as advised by the management. He states that he has no power to sanction the leaves of others and also has no powers to take any disciplinary action against any other employees. The predominant nature of work performed by him is manual and skilled. He was discharging his duties as per the directions and instructions issued by his superiors. Hence, he is a workman within the meaning of section 2(s) of the ID Act. On the other hand the respondents in their written statement at Exh. C-2 raised the contention that the complainant at the time of his termination was holding the responsible position of Assistant officer in the management category and was performing all administrative, supervisory and managerial duties. Therefore, the complainant was out of the purview of definition of employee as contemplated under section 3(5) of the ID Act.

04. On careful perusal of pleadings of both the parties it appears that the complainant and the respondents are taking contrary stands in respect of the position of the complainant in the respondent company. The complainant states that he was performing the work of

the manual and skilled labour and was appointed as a workman. On the other hand the respondents have taken a contrary stand that the complainant was performing the managerial and supervisory work in the company and was not a workman at the relevant time. The objection raised by the respondents regarding the nature of work performed by the complainant is necessary to be determined before proceedings further in the matter. The issue of workman goes to the root of the matter and was expressly raised by the respondents in their written statement. Therefore, the said issue needs to be determined first as a preliminary issue. The opportunity needs to be given to both the parties to lead evidence on that point. If the application is rejected then it would cause prejudice to the respondents. Therefore, in order to adjudicate the matter on merit the issue of workman need to be framed as a perliminary issue. Hence, the order:

ORDER

1. Application is allowed.
2. Following issue is framed as a preliminary issue
“Whether the complainant proves that he was working as a workman in the respondent company within the meaning of section 2(s) of the Industrial Dispute Act, 1947 or an employee in the respondent company at within the meaning of section 3(5) of the MRTU and PULP Act 1971?
3. No order as to costs.

Raigad, Alibag.
Date : 31/10/2025

(G. S. Hange)
Judge,
Labour Court, Raigad-Alibag.

