

**BEFORE THE PRINCIPAL LABOUR COURT, VELLORE.
VELLORE DISTRICT.**

**PRESENT : Tmt.A.Packia Jothi, M.L.,
Presiding Officer.**

Monday, the 13th day of July, 2026

I.A. No.2/2026

IN

I.D. No.44/2025

P.Sangeetha Daniel,
W/o. Saravanan,
No.66, Asokar Street,
Edayansathu, Bagayam,
Vellore.

.... Petitioner

// Versus //

The Management,
Campus Kids Corner,
Christian Medical College Campus,
Bagayam, Vellore.

.... Respondent

This Petition came up for hearing on 09.07.2026 in the presence of Thiru.A.Suresh Babu, the Authorized Representative appearing for the Petitioner and M/s.M.R.Ramanan & Associates, for the respondent. Upon hearing the arguments of both sides, perusing the entire material case records and having stood over for consideration till this date, this Court delivered the following:-

ORDER

Petitioner filed this petition under Section-11(3) of Industrial Disputes Act, 1947 prays to direct the management to provide the same duties and responsibilities of Senior Steno to the petitioner as ordered in I.A.No.1/2026, dated 27.02.2026.

1. Petition averments in-brief:-

The petitioner states that she was orally denied employment on 09.07.2024 by the respondent and therefore she filed the above Industrial Dispute Petition seeking reinstatement with back wages and other benefits. In the above Industrial Dispute petition, she was examined as WW1 and cross examined by the respondent. Then the case was posted for management witnesses. During the cross examination of WW1, the respondent reported that they are ready to give job to the petitioner. Hence, the petitioner filed a petition in I.A.No.1/2026 and this court by order dated 27.02.2026 directed the respondent to reinstate her in the position of senior-stenographer with the same duties and responsibilities as admitted by them in the written statement. As per the order passed in I.A.No.1/2026, the petitioner appeared on 09.03.2026 and the respondent management reinstated the petitioner as Senior Steno by name only, the respondent has been taking revenge by assigning her to the post of librarian at library and the duties and responsibilities of the post of Senior Steno have not been entrusted till date. The act of the respondent is contempt of this court order and against Section 33(1)(a) of the Industrial Disputes Act. Hence, the petitioner has filed this application and prays this court to allow the application.

2. Counter averments in-brief :-

The respondent in their counter states that the interim application is not maintainable either in law or on the facts of the case. The respondent admits that on 09.03.2026 the petitioner was reinstated as Senior Steno and she has also been paid salary without any deduction or changes. Further as part of routine work in a play school of children in LKG and UKG classes totalling to above 150 children the

petitioner cannot expect to perform only stenography duty. The allegation that she was made to work as librarian is absolutely false as a play school does not require issuance and receipt of books as in a regular library of higher classes. Further the contents of this application and prayer are wholly beyond the scope of enquiry in the petition under Section 2A(2) of the Industrial Disputes Act. Hence, the respondent prays to pass necessary orders in the interest of justice.

3. Now the point for consideration is 'whether this petition is liable to be allowed or not'?

4. **POINT:-**

It is the case of the petitioner that she is a Senior Steno. She has worked sincerely and she has been terminated from service on 09.07.2024 orally. She has raised a dispute before the Assistant Commissioner of Labour and the conciliation has not materialized and settlement failed. So, this Industrial Dispute Petition has been filed before this court. And during the cross examination the management expressed their willingness to offer job and she has filed I.A.No.1/2026 expressing her willingness to join work and this court has ordered to reinstate her in the position of Stenographer with the same duties and responsibilities, admitted by the respondent. She has joined duty on 09.03.2026 and the administration ordered for appointing her as Senior Steno. But she was made to sit in the library as librarian and it amounts to unfair labour practice.

The respondent has filed a counter stating that this court in I.A.No.1/2026 passed an order that "*to reinstate the petitioner in the*

position of senior stenographer with the same duties and responsibilities as admitted by them in the written statement. Further the respondent is also at liberty to modify the petitioner designation and responsibilities as necessary to ensure administrative efficiency and operational requirement whenever needed. At the same time the respondent should not alter her designation to a lower position."

As part of routine work in a play school of LKG and UKG classes totally 150 children. The petitioner cannot expect to perform only stenographer work. It is false to state that she was made to work as librarian as a play school with LKG and UKG children does not require issuance and receipt of books as in library of higher class.

This court in I.A.No.1/2026 has held *"admittedly the respondent is running a play school only for LKG and UKG children and under such circumstances if any condition is imposed by this court the petitioner may use this order as a shield. Thus this court is directing the management to reinstate her in the position of senior stenographer with the same duties and responsibilities as admitted by them in the written statement. Further the respondent is also at their liberty to modify the petitioner's designation and responsibilities as necessary to ensure administrative efficiency and operational requirement whenever needed. At the same time, the respondent should not alter her designation to a lower position."*

This order has given the respondent the liberty to alter the designation and responsibilities for operational requirements. So assigning the work of librarian is permissible. In a small kindergarten a full time senior stenographer need not be required and so the school has used the

liberty granted by this court to give alternative work with protected financial rights of a senior stenographer. But in the counter which has been filed by the respondent, the respondent has stated that it is false to state that she was made to work as librarian as a play school with LKG and UKG children does not require issuance of receipt of books as in regular library of higher classes. So the petitioner has been doing the work of librarian based on oral order. The management has not admitted that they gave oral order. So when the petitioner plead that she has been made to work as a librarian and it is proved that the management has not given the order in writing, it violates the principles enunciated in **Srinibas Goradia Vs. Arvind Kumar Sahu and others in 2025 INSC 1467**, wherein the Hon'ble Supreme Court has held the legal status of an employee depends on the substance of the work performed rather than the title assigned by the employer. The Hon'ble Supreme Court has held in para 7

“7. Applying the above principles and the tests indicated, to the facts of the present case, the appellant was appointed as a cashier. The employer nomenclatured the appellant to be the manager in the Front Office. In the identity card, he was shown to be an executive. However, when the veil is pierced to seek the real nature of duties, the appellant was not found to be discharging any supervisory or authoritative work. The nomenclature or the designation given to the appellant was an eyewash.”

This decision squarely applies to the case on hand.

The petitioner has approached the court because she has not been legally terminated, she has received the reinstatement order of the court and the school is now trying to bye-pass the order and the change in work conditions of the petitioner is a direct consequence of the termination

dispute and so this court can decide the same even though it falls within Section 2(A)(2) of the Industrial Disputes Act.

The respondent has not given a written administrative order mentioning the operational necessity. The respondent should have followed the principles of natural justice and administrative procedures and the respondent cannot change the structure of the petitioner's work through an oral order. When the respondent wants to modify the responsibilities of the petitioner due to operational requirements and administrative efficiency it has to be by way of written order. The oral instruction is considered arbitrary and malicious and it is an abuse of the liberty granted by this court in I.A.No.1/2025. The orders of this court has made it clear that the respondent is at liberty to modify the petitioner's designation and responsibilities as necessary to ensure administrative efficiency and operational requirements when needed. The respondent can enforce the order only by way of written communication and hence the respondent is directed to provide the petitioner with actual duties, responsibilities and infrastructure corresponding to the post of Senior Stenographer. Hence, the petition is allowed.

In the result, this petition is allowed and there is no order as to costs.

Dictated to the Steno-Typist, typed directly in the computer, corrected and pronounced by me in the Open Court, on this the 13th day of July, 2026.

**Presiding Officer,
Principal Labour Court,
Vellore.**