भारत सरकार / Government of India

सरकारी राजपत्र
OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND DAMAN AND DIU

श्रेणी - २
SERIES - II

प्राधिकरण द्वारा प्रकाशित / PUBLISHED BY AUTHORITY

Daman 06th November, 2026 15 Kartika, 1948 (Saka) No. : 40

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन,
U.T. Administration of Dadra & Nagar Haveli and Daman & Diu,
श्रम एवं रोजगार, विभाग, दमण
Department of Labour & Employment, Daman
दूसरी मंजिल, उधोग भवन, भेंसलोर, नानी दमण
2nd Floor, Udyog Bhavan, Bhenslore, Nani Daman

No. LE/LI/DMN/Fact-38-A/2019/2026/396 **Date: 28/10/2026**

Subject: Publication of Award in IDR in the Official Gazette.

With reference to the above cited subject, Award received from I/c. Superintendent, Civil Court (S. D.), Daman in IDR No. 03/2019 dated 29.09.2026 issued by Hon'ble Labour Judge, Daman in the matter of M/s. Creative Textile Pvt. Ltd., V/s. Pramodkumar Vishwanath Pandey is here by publish in the Official Gazette of this UT Administration of Dadra & Nagar Haveli and Daman & Diu for general information.

Sd/–
(Aarti Agarwal)
Dy. Director-cum-Dy. Secy. (Labour)
DNH & DD

CNR: UTDD010009842020

Received on : 19/06/2019
Registered on : 19/06/2019
Decided on : 29/09/2026
Duration : Yrs. Ms. Ds.
07. 03. 10.

IN THE COURT OF THE LABOUR JUDGE, At: DAMAN
(Presided over by Pranita P. Bharsakade-Wagh)

I.D.R No. 03/2019

Exh. No. 55

M/s. Creative Textile Pvt. Ltd.
Srv. No. 434/6, 434/13, 434/14 &
434/17, Near Dabhel Check Post,
Dabhel, Nani Daman, Daman. ……..First Party.

V/s.

Pramodkumar Vishwanath Pandey,
Aged about: 48 years,
R/o Royal Park Society
'C' Building, 202,
66 KV Road, Silvassa, Amli. .....Second Party

Reference of Industrial Dispute as per section 10 (1) (c) of the Industrial Disputes Act, 1947.

Appearance: Advocate Mr. C.K. Modasia, for the first party.
Advocate Mr. Arif Khan, for the second party:

AWARD

(Passed on 29th Day of September, 2026)

This is a reference received from the Commissioner (Labour) under section 10(1) (c) of The Industrial Disputes Act, 1947 (hereinafter referred to as 'The Act').

2) It has been stated in the reference that an industrial dispute exists between M/s Creative Textile Pvt. Ltd. and its workman Shri Pramodkumar Pandey. The management of the company and the workman were called for conciliation on 07.05.2019 and 17.05.2019, both the parties were present. It was stated by the applicant that on 11.02.2019, the security guard had informed him that the management has denied his entry for work and that he has been terminated from service. He stated that the management has terminated his service without any clear reason and therefore he should be reinstated with back wages. However, the management stated that the applicant, Shri Pramodkumar Pandey is a Manager and not a worker. Hence the Conciliation Officer has made this reference to the Labour Court to decide the issue "(1) Whether the applicant comes under the definition of workman? If yes, what relief the workman is entitled to?" and "(2) Whether termination of service of the applicant is justified? If no, what relief the workman is entitled to?"

3) After receiving this reference, notices were sent to both the parties. Accordingly, both the parties appeared. The second party claimant filed his statement of claim vide Exh. 8. Wherein he has stated that the second party is a workman as defined under section 2(s) of the Act and he was employed by the first party for the first time on 02.11.2012 as Assistant Manager - Electrical and later on again on 10.02.2018 as Manager maintenance and was to do the duties and works such as motor fitting, electric panel fitting, installation of cables, repairing electric panels etc. His last drawn earnings were Rs.35,350/- in hand. The performance of the workman throughout his tenure of service with the management was without any fault. However on 11.02.2019, the security guard had informed him that the management has denied his entry for work and that his services are terminated. He was never issued any warning letter, advisory letter or notice and the management has terminated his service without any clear reason or justification. Hence the second party claimant submitted that the termination of the second party is illegal, null and void and prayed for reinstatement in the employment of the first party. The second party has also prayed for payment of his salary/wages from the date of his illegal termination till final order.

4) Vide Exh. 11, the first party filed reply to the statement of claim of second party. The first party has stated that the second party claimant was working as a Manager in the Maintenance Department and was drawing salary of Rs.35,000/- at the time of joining the company. Therefore, the second party claimant does not fall within the definition of workman. The second party was acting in the capacity of Manager and has discharged his duty in the said capacity throughout his tenure and hence the present dispute is not maintainable in the eyes of law.

5) On the basis of the statement of claim of the second party and reply of the first party to the statement of claim, following points for determination were framed by my learned predecessor. I have reproduced them alongwith my findings thereon with reasons as under:

Sr.No.	Points for determination	Findings
1)	Whether the second party comes under the definition of workman ? If Yes, what relief the workman is entitled to ?	No.
2)	Whether the second party is illegally terminated from his service by first party company ?	Infructuous.
3)	Whether the second party is entitled for reinstatement with full back wages and other relief ?	Infructuous.
4)	What Order and Award ?	As per final order.

R E A S O N S

As to point No. 1:

6) The second party claimant has filed his affidavit in lieu of examination-in-chief vide Exh.17. The second party claimant has reiterated the facts stated in his claim. On perusal of his evidence it reveals that he has deposed that he falls in the category of workman as defined under section 2(s) of the

Industrial Disputes Act, 1947. He was employed in the first party company for the first time on 02.11.2012 as Assistant Manager, Electrical and later on as Manager Maintenance since 10.02.2018 and was to do the duties and works such as motor fitting, electric panel fitting, installation of cables, repairing electric panels etc. and his last drawn salary was Rs. 35,350/-

7) The definition of "workman" is provided in section 2(s) of the Industrial Disputes Act, 1947. It reads as under:

> "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 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.]

8) Therefore in view of the definition of workman, we need to see whether the claimant falls in the category of workman or not. The learned Advocate for the claimant has argued that just nomenclature as Manager does not make a person Manager but the duties which are assigned to the workman has to be seen. The claimant was doing the duties of motor fitting, electric panel fitting, installation of cables, repairing electric panels. Therefore, he comes in the category of workman and not in the category of Manager.

9) On the other hand, the learned Advocate for the first party has argued that the claimant was appointed as a Manager in the first party company. His application and appointment letter also clarify the said fact. Therefore, though he may be doing the said duties, he was doing the duties with the assistance of employees who were working under him. He was also getting a salary more than Rs.10,000/-. Therefore in view of section 2(s) of the Industrial Disputes Act, 1947, the claimant does not fall in the category of workman.

10) On perusal of the evidence it reveals that the claimant himself has admitted that he was working as an Electrical Maintenance Manager in the Creative Textiles Mills Pvt. Ltd. i.e. the first party company. He has admitted his application for the post of Electrical Maintenance Manager at Exh. 20. On perusal of the said application at Exh. 20 it shows that the claimant has applied in the first party company on 20.02.2018 for the post of Electrical Maintenance Manager alongwith his bio-data, qualification and work experience of total 18 years in which it is shown that he was serving in Vardhman Politex Ltd., Punjab on the post of Senior Electrician and thereafter in Standard Surfactance Ltd., Mandideep (MP) as a HOD of Electrical & Maintenance, in EURO Decor & P.S. Plywood as a HOD

of Electrical, in TPL Plastic Ltd., Silvassa as a HOD of Electrical, in Creative Textile & Garment Mills Pvt. Ltd, Daman as an Electrical Asst. Manager and in Kisan Moldings Ltd. as an Electrical Manager. He has worked for 18 years starting from 1997 to 2018 on all these posts before applying for the said post of Electrical Maintenance Manager in the first party company. It shows that after working for such a long period and that too on the post of HOD and Manager nobody can apply for a post of workman (If the claimant says that he was working as a workman though his appointment was shown as Electrical Maintenance Manager). Even his appointment letter and identity card at Exh. 29 show that he was appointed as a Manager in Maintenance Department in the first party company. His pay slip at Exh. 30 shows that he was getting salary more than Rs. 38,000/-. The claimant has also admitted that he was working in various companies as mentioned in his application at Exh.20.

11) It was suggested to Ashwin Tripathy (First Party W.1) that the claimant Mr.Pramodkumar used to work as an Electrician in the company which is denied by the witness. He has also denied that the claimant used to repair electric motors, panels, motor fittings, electric panel fittings and installation of cables. The witness has deposed that the claimant used to work as a Manager and a team used to work under him. Therefore, all the oral as well as documentary evidence proves that the claimant was working as a Maintenance Manager and not as a workman. Therefore, the claimant does not fall in the category of a workman. Hence, I answer point No.1 in the negative

As to point No. 2 to 4:

12) Since it is held that the second party claimant is not a workman, the Labour Court has no jurisdiction to go into the question of termination. The reference itself is not maintainable. Hence these points become infructuous and need no discussion. In view of the above, the second party claimant is not entitled for any relief. Hence in answer to point No. 4, I pass the following order.

O R D E R

(1) The reference is answered in the negative.

(2) A copy of the order be sent to the Commissioner (Labour) for information and necessary action.

Date : 29.09.2026
Daman

Sd/–
(Pranita P. Bharsakade-Wagh)
(Labour Judge, Daman

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No. GC/DMN/EST/ENDF/2026-27/854
UT Administration of DNH and DD
O/o the Director-cum-Jt. Sec (H&TE)
Secretariate, Nani-Daman.

Dated: 29/10/2026

Read: Application dated 18/10/2025 from Emanuel N. Fonseca, Retired Peon, Government College, Daman.

ORDER

On the basis of documents submitted by the applicant, Emanual N. Fonseca, Retired Peon, Government College, Daman, it is hereby ordered that the name of Emanual N. Fonseca, Retired Peon, Government College, Daman, shall be read as "EMANUEL NARCISO DE FONSECA" in all Government records/documents.

This is issued with the approval of the Advisor to Hon'ble Administrator of UT of DNH and DD, vide diary No. 1593373 dated 13/10/2026.

Sd/–
Director-cum-Jt. Secretary (H&TE)
UT of DNH & DD

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UT Administration of Dadra & Nagar Haveli and
Daman & Diu,
O/o Assistant Registrar Co-operative Societies,
6th Floor PWD Building, Moti Daman

No. 1/63/Multipurpose/3D Yuva/2026-27/ARCS-DMN/94 **Dated: 02/11/2026**

CERTIFICATE OF REGISTRATION

This is here by certified that **"The 3D Yuva Innovative Multipurpose Cooperative Society Limited"** Village - **Nani Daman,** District **Daman,** is registered under No. **1/63/MULTIPURPOSE/3D YUVA/2026-27/ARCS-DMN/94 on 02/11/2026** as per section 9 (1) of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024.

This is issued with the approval of the Competent Authority.

Sd/–
Assistant Registrar Cooperative
Societies, Daman

Place: Daman
Dated: 02/11/2026

NOTIFICATION

In exercise of the powers conferred under Section 9 of the Dadra and Nagar Haveli and Daman and Diu Co-operative Societies Regulation, 2024, it is hereby notified that the society namely **"The 3D Yuva Innovative Multipurpose Cooperative Society Limited"**, located at Village - **Nani Daman,** District **Daman,** has been duly registered on **02/11/2026** and bears Registration No. **1/63/MULTIPURPOSE/3D YUVA/2026-27/ARCS-DMN/94** and it is classified as a General Cooperative Society and sub-classified as Others under Section 12 of the Regulation.

Sd/–
Assistant Registrar Cooperative Societies, Daman

Place: Daman
Dated: 02/11/2026

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