
(2000) 08 RAJ CK 0013
In the Rajasthan High Court
Case No : Civil Sp. Appeal No. 627 of 2000

Vallabh Das Sharma

APPELLANT

Vs

Director, Rural Development and Panchayat Raj Department

RESPONDENT

Date of Decision : 07-08-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Industrial Disputes Act, 1947 — Section 2

Citation : (2001) 90 FLR 523 : (2002) 1 LLJ 16 : (2001) 2 RLW 1216 : (2001) 2 WLC 435

Hon'ble Judges : S.K. Garg, J;B.J. Shethna, J

Bench : Division Bench

Advocate : B.N. Kalla, for the Appellant;

Final Decision : Dismissed

Judgement

B. J. Shethna, J.—In case of Miss A. Sundarambal Vs. Government of Goa, Daman and Diu and Others, the Hon'ble Supreme Court has made it clear that though the educational Institutions may be "Industry" within the meaning of provisions of Section 2(j) of the Industrial Disputes Act, 1947 (for short "the Act"), but a teacher cannot be a "workman" within the meaning of Section 2(s) of the Act. The Hon'ble Supreme Court in the said case has observed as under:

"We are of the view that the teachers employed by educational institutions whether the said institutions are imparting primary or secondary, graduate or post-graduate education, cannot be called as "workman" within the meaning of Section 2(s) of the Act. Imparting of education which is the main function of teachers cannot be considered as skilled or unskilled manual work or supervisory work or technical work or clerical work. Imparting of education is in the nature of a mission or a noble vocation. A teacher educates children, he moulds their character, builds up their personality and makes them fit to become responsible citizens. Children grow under the care of teachers. The clerical work, if any they may do, is only incidental to their principal work of teaching. We agree with the

reasons given by the High Court for taking the view that teachers cannot be treated as workmen as defined under the Act. It is not possible to accept the suggestion that having regard to the object of the Act, all employees in an Industry except those falling under the four exceptions (i) to (iv) in Section 2(s) of the Act should be treated as workmen. The acceptance of this will render the words "to do any skilled or unskilled, manual, supervisory, technical or clerical work" meaningless.

2. Merely, because the State Government made a reference to the Labour Court which was entertained and the Labour Court passed an award in favour of the workman, that does not mean that this Court is precluded from interfering with the same in its jurisdiction under Articles 226 and 227 of the Constitution.

3. In our considered opinion, the learned single Judge was wholly justified in disturbing the award passed by the Labour Court on the ground that it had no jurisdiction to pass the award when the respondent Teacher was not a workman falling under the definition of Section 2(s) of the Act.

4. In view of the above discussion, we do not find any substance or merits in this appeal. Accordingly, it fails and is dismissed. Stay petition is also dismissed.