

**THE HONOURABLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT APPEL No.11 OF 2019

JUDGMENT: (ORAL) (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

The Telangana State Road Transport Corporation (for short 'TSRTC'), through its Depot Manager, challenged an award of Industrial Tribunal - cum - Labour Court, setting aside an order of dismissal of a workman. The Labour Court has also granted him an order for reinstatement with full backwages. The learned single Judge refused to interfere with the decision of the Tribunal insofar as reinstatement is concerned. The order for backwages was trimmed down to 50%. This is in appeal at the instance of the management.

2. Hearing the learned counsel for the appellant - TSRTC, we see that the learned single Judge has duly applied his mind to the facts and circumstances of the case and, the direction reducing the backwages to 50% from 100% is not a critic exercise of judicial discretionary power. The learned single Judge has adverted to, considered the facts and factors as is recorded in the writ order and has exercised discretionary power under Article 226 of the Constitution of India. We are unable to see that the said decision is palpably perverse or unavailable to the facts and materials on record, to hold that such an order ought not to have been made at all.

Therefore, we decline jurisdiction to interfere with the impugned order through this intra Court appeal.

3. The Writ Appeal fails and is accordingly dismissed.
No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any pending, in the writ appeal stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

January 25, 2019.
PV