

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

CONTEMPT CASE NO: 856 OF 2025

Contempt Case under Sections 10 to 12 of Contempt of Courts Act 1971 to punish the respondent herein for the willful and deliberate disobedience of the order dated 03-05-2024 passed in W.P No. 5292 of 2020.

Between:

V Srinivas, S/o. V Narsaiah, Aged about 59 years, Occ: Junior Engineer Electrical, National Institute of Rural Development, Rajendra Nagar, Hyderabad

...Petitioner

AND

1. Manoj Kumar, S/o. Not Known Aged: Major, Occ: Registrar, National Institute of Rural Development, Rajendra Nagar, Hyderabad.
2. Dr. G. Narendra Kumar, S/o. Not Known Aged: Major, Occ: Director General, National Institute of Rural Development, Rajendra Nagar, Hyderabad.

...Respondents

Counsel for the Petitioner : Sri Avadesh Narayan Sanghi

Counsel for the Respondents: Sri Sai Eshwar, Counsel appearing on behalf on
Sri N B Sudarshan

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

AND

**THE HONOURABLE SRI JUSTICE NAMAVARAPU
RAJESHWAR RAO**

CONTEMPT CASE No.856 of 2025

DATE: 22.04.2026

Between:

V. Srinivas, S/o. V.Narsaiah.

...Petitioner

AND

**Manoj Kumar, S/o. Not known,
Aged : Major, Occ: Registrar,
National Institute of Rural Development,
Rajendra Nagar, Hyderabad and another.**

...Respondents

ORDER: *(per the Hon'ble Sri Justice P.Sam Koshy)*

Heard Mr. Avadesh Narayan Sanghi, learned Senior Counsel for the petitioner; and Mr. Sai Eshwar, learned counsel appearing on behalf of Mr. N.B.Sudarshan, learned counsel for the respondents.

2. The instant is a Contempt Case filed by the petitioner under Section 12 of the Contempt of Courts Act, 1971 alleging willful non-

compliance of the order and direction given by the Division Bench of this High Court in Writ Petition No.5292 of 2020, decided on 03.05.2024.

3. It would be relevant at this juncture to take note of the operative part of the order passed by the Division Bench of this High Court in Writ Petition No.5292 of 2020. For ready reference, the operative part is reproduced hereunder:

"5. Having considered the submissions made by the learned counsel appearing for the petitioners, this Court is of the view that the 2nd respondent was initially appointed as contract employee on 04.07.1997. Though the 2nd respondent was appointed after undergoing regular selection process, right to be considered is a fundamental right. The Tribunal has rightly directed the petitioners to regularize the service of the 2nd respondent, "if he is otherwise" eligible. Therefore, this Court is not inclined to interfere with the order passed by the Tribunal.

7. Accordingly, the Writ Petition is disposed of. However, the petitioners are "directed to consider" the case of the 2nd respondent for regularization of his services, "if he is otherwise eligible" and "pass appropriate orders" in accordance with law. No costs."

4. To understand the facts more clearly, it would also be relevant at this juncture to take note of the order passed by the Central

Administrative Tribunal, Hyderabad Bench (for short the 'Tribunal') in TA.No.21/1/2015 (W.P.No.397/2003), decided on 24.12.2019, whereby the Tribunal in its operative part has held as under:

"11. The T.A. is accordingly allowed. The respondents shall consider the case of the applicant for regularization of his contractual services, within a period of two months from the date of receipt of this order. We also direct that on such regularization, the applicant shall be extended the same benefits as was done in the case of other contractual employees, who were regularized."

It was this direction which was subjected to challenge before the High Court in a writ petition filed by the National Institute of Rural Development, which stood disposed of in the manner reflected in paragraph No.3.

5. The National Institute of Rural Development subsequent to the disposal of the Writ Petition No.5292 of 2020 on 03.05.2024, vide its order dated 19.03.2025 considered the case of the petitioner and has held as under:

"12. In view of the above facts, the case of Shri V. Srinivas is not fit to be considered for regularisation. However, taking into account his contractual length of service, though due to lispendens, and also as he would be attaining the age of 60 years by 31.12.2025, the

undersigned takes a lenient view and comes to the conclusion to allow Shri V. Srinivas, Junior Engineer (Electrical) to continue on contractual basis up to his attaining the age of 60 years of service. On attaining the age of 60 years, all the terminal benefits that were extended in the similar case of Shri Ch. Prabhakar Rao, Junior Engineer (Civil) retired on contract basis would be allowed, subject to his work performance and future good conduct.

13. *NOW, THEREFORE, the Director General, NIRD&PR being the Appointing Authority decided that Shri V.Srinivas, Junior Engineer (Electrical) will be allowed to continue his services on contract basis as Junior Engineer (Electrical) in the Institute till the date of his attaining 60 years of age i.e., up to 31.12.2025.*

Accordingly, the order dated 24.12.2019 of the Hon'ble CAT and order dated 03.05.2024 of the Hon'ble High Court are complied with."

6. Learned Senior Counsel appearing for the petitioner contended that the subsequent order dated 19.03.2025 is nothing but a reiteration of the earlier order whereby the petitioner's claim for regularization was rejected by the National Institute of Rural Development, which already was held to be bad by the Tribunal and further there was a specific mandamus given by the Tribunal for regularizing the services of the petitioner. Having failed to do so, the action on the part of the National

Institute of Rural Development amounts to contempt, entailing punishment under the Contempt of Courts Act.

7. Learned Senior Counsel appearing for the petitioner further contended that a plain reading of the order dated 19.03.2025 also goes to establish that in spite of there being a specific mandamus issued by the Tribunal while disposing of TA.No.21/1/2015 and passing the very same order amounts to nothing less than a contempt as it all the more reflects the conduct of the officers of the National Institute of Rural Development whereby it has literally sat over the order of the Tribunal and which was also confirmed by the Division Bench of this High Court, in the course of passing the order rejecting the petitioner's claim for regularization, thereby paying no heed to the order / command / mandamus issued by the Tribunal as also by the High Court and also amounts to a blatant disrespect and dishonouring of the orders of the Tribunal and the High Court.

8. Learned Senior Counsel appearing for the petitioner heavily relied upon the judgment of the Hon'ble Supreme Court in the case of **A. P. S. R. T. C. and Ors. vs. V. G. Srinivas Reddy and Ors.**¹.

9. On the other hand, the learned counsel for the respondents / National Institute of Rural Development contended that the institute places the orders of the High Court also that of the Tribunal at a very high esteem and has in its letter and spirit considered the directions issued and have strictly scrutinized the claim of the petitioner for regularization. It is only thereafter they have reached to a conclusion that the relief sought for by the petitioner for the reasons reflected in the order dated 19.03.2025 could not be granted and the claim for regularization thus got rejected. Therefore, the action on the part of the National Institute of Rural Development does not amount to contempt, moreover the order dated 19.03.2025 shows due compliance of the order passed by the Tribunal as also by the High Court.

10. Having heard the contentions put forth on either side and on perusal of records, what is culled out is fact that the original petition

¹ AIR 2006 SUPREME COURT 1465

filed by the petitioner before the Tribunal stood allowed *vide* order dated 24.12.2019. While allowing the T.A., the direction for the National Institute of Rural Development was to “consider” the claim of the petitioner for regularization. The order of the Tribunal was subjected to challenge by the Institute before the High Court and the High Court *vide* its order dated 03.05.2024 had disposed of the Writ Petition with the observations as reflected in paragraph No.3 of this order.

11. A plain reading of the operative part of the judgment passed by the Division Bench of this High Court which has been reproduced in the preceding paragraphs would lead us to consider the three phases which are emphatically laid down by the Division Bench while disposing of the writ petition. The three phrases are:-

- 1) **If he is otherwise eligible**
- 2) **Directed to consider**
- 3) **Pass appropriate orders**

12. At this juncture we need to consider the strict meaning that can be given to these phrases one by one.

12.1. "If he is otherwise eligible" means that a person must satisfy all the other applicable legal requirements and parameters apart from the specific condition being discussed. It is used to indicate that the benefit, right, or decision mentioned will apply only if the individual already meets the general eligibility criteria laid down by law, such as age, qualifications, conduct, or other statutory conditions. The phrase acts as a safeguard, ensuring that even if one particular issue is addressed or relaxed, the person is not automatically entitled unless they fulfill all remaining requirements. In essence, it means 'provided that he meets all other necessary conditions'.

12.2 "Directed to consider" means that a Court orders a person or body (such as a government official or administrative agency) to examine and evaluate a matter carefully and make a decision according to law. It does not mean that a specific outcome must be granted; rather, it requires the authority to apply its mind, review the relevant facts, follow proper procedure, and then arrive at an independent decision. This phrase is often used when a Court does not want to substitute its own judgment for that of the competent authority but still ensures that the

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issue is properly addressed. In essence, it imposes a duty to fairly assess the matter without guaranteeing any particular result.

12.3 “Pass appropriate orders” means that a Court is required to make a decision or issue directions that are suitable, lawful, and justified based on the facts and circumstances of the case. It gives the authority a degree and element of discretion, allowing it to determine what action is proper after considering the relevant laws, evidence, and principles of fairness. The phrase does not prescribe a specific outcome but expects that the decision taken will be reasonable, legally sound, and in accordance with established procedures. In essence, it directs the authority to arrive at a proper and justified decision within the framework of the law.

13. As regards the reliance on **V. G. Srinivas Reddy and Ors.** (supra) by the learned Senior Counsel for the petitioner, the Hon'ble Supreme Court in the said case has dealt with the phrase 'consider' extensively. For ready reference, paragraph Nos.13, 13.1 to 13.5 and 14 of the said judgment are reproduced hereunder:

"13. We may, in this context, examine the significance and meaning of a direction given by the court to "consider" a case. When a court directs an authority to "consider", it requires the authority to apply its mind to the facts and circumstances of the case and then take a decision thereon in accordance with law. There is a reason for a large number of writ petitions filed in the High Courts being disposed of with a direction to "consider" the claim/case/representation of the petitioner(s) in the writ petitions.

13.1. Where an order or action of the State or an authority is found to be illegal, or in contravention of the prescribed procedure, or in breach of the rules of natural justice, or arbitrary/unreasonable/irrational, or prompted by mala fides or extraneous consideration, or the result of abuse of power, such action is open to judicial review. When the High Court finds that the order or action requires interference and exercises the power of judicial review, thereby resulting in the action/order of the State or authority being quashed, the High Court will not proceed to substitute its own decision in the matter, as that will amount to exercising appellate power, but require the authority to "consider" and decide the matter again. The power of judicial review under Article 226 concentrates and lays emphasis on the decision-making process, rather than the decision itself.

13.2. The High Courts also direct the authorities to "consider", in a different category of cases. Where an authority vested with the power to decide a matter, fails to do so in spite of a request, the person aggrieved approaches the High Court, which in exercise of the power of judicial review, directs the authority to "consider" and decide the matter. In such cases, while exercising the power of judicial review, the High Court directs "consideration" without examining the facts or the legal

question(s) involved and without recording any findings on the issues. The High Court may also direct the authority to "consider" afresh, where the authority had decided a matter without considering the relevant facts and circumstances, or by taking extraneous or irrelevant matters into consideration. In such cases also, the High Court may not examine the validity or tenability of the claim on merits, but require the authority to do so.

13.3. Where the High Court finds the decision-making process erroneous and records its findings as to the manner in which the decision should be made, and then directs the authority to "consider" the matter, the authority will have to consider and decide the matter in the light of its findings or observations of the court. But where the High Court without recording any findings, or without expressing any view, merely directs the authority to "consider" the matter, the authority will have to consider the matter in accordance with law, with reference to the facts and circumstances of the case, its power not being circumscribed by any observations or findings of the court.

13.4. We may also note that sometimes the High Courts dispose of the matter merely with a direction to the authority to "consider" the matter without examining the issue raised even though the facts necessary to decide the correctness of the order are available. Neither pressure of work nor the complexity of the issue can be a reason for the court to avoid deciding the issue which requires to be decided, and disposing of the matter with a direction to "consider" the matter afresh. Be that as it may.

13.5. There are also several instances where unscrupulous petitioners with the connivance of "pliable" authorities have misused the direction

"to consider" issued by court. We may illustrate by an example. A claim, which is stale, time-barred or untenable, is put forth in the form of a representation. On the ground that the authority has not disposed of the representation within a reasonable time, the person making the representation approaches the High Court with an innocuous prayer to direct the authority to "consider" and dispose of the representation. When the court disposes of the petition with a direction to "consider", the authority grants the relief, taking shelter under the order of the court directing him to "consider" the grant of relief. Instances are also not wanting where authorities, unfamiliar with the process and practice relating to writ proceedings and the nuances of judicial review, have interpreted or understood the order "to consider" as directing grant of relief sought in the representation and consequently granting reliefs which otherwise could not have been granted. Thus, action of the authorities granting undeserving relief, in pursuance of orders to "consider", may be on account of ignorance, or on account of bona fide belief that they should grant relief in view of the court's direction to "consider" the claim, or on account of collusion/connivance between the person making the representation and the authority deciding it. Representations of daily-wagers seeking regularisation/absorption into regular service is a species of cases, where there has been a large-scale misuse of the orders "to consider".

14. Therefore, while disposing of the writ petitions with a direction to "consider", there is a need for the High Court to make the direction clear and specific. The order should clearly indicate whether the High Court is recording any finding about the entitlement of the petitioner to the relief or whether the petition is being disposed of without examining the claim on merits. The court should also normally fix a time-frame for

consideration and decision. If no time-frame is fixed and if the authority does not decide the matter, the direction of the court becomes virtually infructuous as the aggrieved petitioner will have to come again to court with a fresh writ petition or file an application for fixing time for deciding the matter."

14. After going through the judgment relied upon by the learned Senior Counsel for the petitioner, we need to now look into the order passed by the Division Bench of this High Court. The Division Bench seems to have interpreted the order of the Tribunal and though has declined to interfere with the order of the Tribunal, but in very emphatic terms held that the National Institute of Rural Development "*should consider*" the case of the petitioner for regularization "*if he is otherwise eligible*". Likewise, there was also a specific direction given by the Division Bench to the National Institute of Rural Development in the course of complying the order of the Tribunal to consider the case of the petitioner for regularization and subject to his suitability and eligibility the authorities required to "*pass appropriate orders*".

15. A plain reading of these phrases when read with the meaning which is otherwise given to these phrases as is reflected in the preceding paragraph would leave no doubt in the mind of this Bench that in the

course of disposal of the Writ Petition, an element of discretion was left with the National Institute of Rural Development to scrutinize the claim of the petitioner and pass appropriate orders.

16. Since the contempt petition has been filed for non-compliance of the order passed by the Division Bench of this High Court, this Bench would be constrained to rely only upon the order passed in the Writ Petition by the Division Bench and cannot and should not initiate a contempt based upon the directions given by the Tribunal while disposing of TA.No.21/1/2015 as the petitioner had an option of filing a contempt petition before the Tribunal as well, for the non-compliance of the directions given by the Tribunal. Having not availed the same and having knocked the doors of the High Court alleging non-compliance of the order of the High Court, this Bench would have to strictly look into the order of the High Court alone to consider whether a contempt has been made out or not.

17. The National Institute of Rural Development after carefully scrutinizing the case of the petitioner has held that the petitioner is not entitled for regularization of his services, however it held that all the

terminal benefits that were extended in the case of Shri Ch. Prabhakar Rao, Junior Engineer (Civil) retired on contract basis would be allowed, subject to the petitioner's work performance and future good conduct. Further, after the petitioner's retirement, the National Institute of Rural Development had paid the CPF part, gratuity and EL benefits to the petitioner, which again shows due compliance of the order passed by the Division Bench of this High Court.

18. Therefore, we are of the considered opinion that the petitioner has not made out a case for initiating contempt against the respondents. Rather the order dated 19.03.2025 is one which would meet the requirements of due compliance of the order of the High Court. However, we make it clear that this Bench has not ventured into testing the veracity of the order dated 19.03.2025 since this Bench was exercising contempt jurisdiction. The veracity of the order dated 19.03.2025 could not be tested while exercising contempt jurisdiction. If at all if the petitioner is still not satisfied with the findings given by the respondents while passing the order dated 19.03.2025, the petitioner would be at liberty to avail appropriate legal recourse available

challenging the order dated 19.03.2025 passed by the respondents /
National Institute of Rural Development.

19. Accordingly, the instant Contempt Case stands closed and the
respondents are discharged from the contempt proceedings.

20. As a sequel, miscellaneous petitions pending if any, shall stand
closed. However, there shall be no order as to costs.

SD/- N. CHANDRA SEKHAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair Copy to the Honourable Sri Justice P.Sam Koshy
(For His Lordship kind Perusal)
AND

One Fair Copy to the Honourable Sri Justice Namavarapu Rajeshwar Rao
(For His Lordship kind Perusal)

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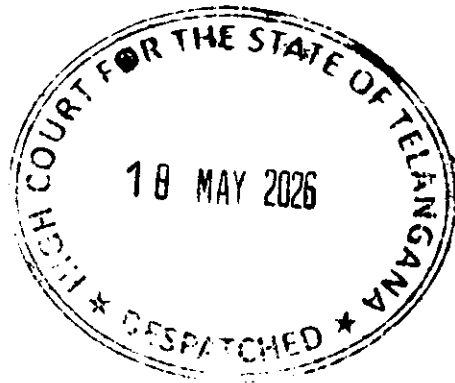
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HIGH COURT

DATED: 22/04/2026

ORDER

CC.No.856 of 2025



CLOSING THE CONTEMPT CASE WITHOUT COSTS

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18/5/26