



2026:TSHC:4206-DB

[3431]

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

**TUESDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HON'BLE SRI JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

CONTEMPT CASE NO: 2413 OF 2024

Contempt Case U/s 10 to 12 of Contempt of Courts Act to punish the Respondents herein for willful violation of the Orders of the High Court made in WP.No.21709 of 2012 dated 23-06-2023.

Between:

Sri. Balachander Pillai, S/o. K. Madhavan Pillai, Retd. KH/ COAR/O/CON/SC,
Aged about 67 years, Occ: Business, Present H.No.3-4-116/1, Annapurna
Colony East, Mallapur, HYDERABAD - 500 076, T.S.

...Petitioner

AND

Mr. SATYA PRAKASH, CHIEF ADMISTRATION OFFICER, RAIL NIRMAN
BHAVAN, (Construction), SOUTH CENTRAL RAILWAY, Secunderabad -
500017.

...Respondent/Respondent No.2

Counsel for the Petitioner: Mr. Ravi Kumar Gadipe

**Counsel for the Respondent: Ms. Anjali Agarwal
(SC FOR ENFORCEMENT DIRECTORATE)**

The Court made the following: ORDER



2026:TSHC:4206-DB

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO
C.C. No. 2413 OF 2024**

24.03.2026

Between:

Balachander Pillai, Hyderabad.

...Petitioner

A N D

Satya Prakash,
Chief Administration Officer,
Rail Nirman Bhavan (Construction),
South Central Railway,
Secunderabad - 500017.

...Respondent

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

Heard Mr. Ravi Kumar Gadipe, learned counsel for the petitioner and Ms. Anjali agarwal, learned Standing Counsel for Enforcement Directorate for the respondent. Perused the record.

2. The instant Contempt Case which has been filed alleging non-compliance of the order dated 23.06.2023 in W.P. No. 21709 of 2012.

3. The aforesaid Writ Petition was disposed of on the following premises:

“Having considered the rival submissions made by the learned counsel on either side, this Court is of the

view that the issue involved in this writ petition is squarely covered by the judgment of the Apex Court in Union of India v. Rakesh Kumar (1 Supra). Therefore, this Writ Petition can be disposed of directing the respondents to consider the case of the petitioner for regularization of his services in terms of the law laid down by the Apex Court in Union of India v. Rakesh Kumar (1 Supra) and pass appropriate orders within a period of two months from the date of receipt of a copy of this order."

4. Pursuant to the disposal of the aforesaid Writ Petition, the petitioner approached the department by way of the representation dated 15.11.2023. After due scrutiny of the same, the department has passed the order on 23.01.2024 as follows:

"(i) Regularisation of service has been amended from 18.5 years to 21 years.

(ii) Restructuring of Pension: There is no change in the Basic Pay since the employee's Qualifying Service has no effect on the promotion earned. Hence, the pension which is fixed at Rs.7,545/- is in order. For all purpose the intervening period from Casual Labour service to the date of Regularisation only has been effected. This period has no say for the purpose any promotions.

(iii) All Other Service Benefits:

(a) Post Retirement Complimentary Pass (PRCP): The employee has been advised vide this office letter dated 13.02.2024 (copy enclosed as Annexure R-4 to the Affidavit) due to consequent upon the increase in



Qualifying Service, the applicant is eligible for PRCP and needs to apply through HRMS module. Further, in case if applicant has any difficulties in registering in HRMS can always approach the concerned Personnel Officer for redressing the issues if any, rather than filing a case before the Hon'ble Court

(b) Medical facilities: Since the employee has opted for RELHS (Railway Employees Liberal Health Scheme-1997), he is eligible for all Railway medical facilities

(iv) The applicant has referred to the orders pronounced in W.P. No 21709 of 2012 dated 23.06.2023, wherein 'the Court is of the view that the issue involved in this Writ Petition is squarely covered by the judgment of the Apex Court in Union of India vs Rakesh Kumar. Therefore; this Writ Petition can be disposed of directing the respondents to consider the case of the petitioner for regularisation of his services in terms of the law laid down by the Apex Court in Union of India vs. Rakesh Kumar and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.'

As such the respondents have accordingly complied with the Hon'ble Court order in considering the Qualifying Service and paying the settlement benefits without any violation."

5. Learned counsel for the petitioner submits that the said directions given by the department would not fall within purview of the due compliance of the order. Rather the authority ought to have granted the



entire benefits to the petitioner that has flown from the Hon'ble Supreme Court in the case of *Union of India v. Rakesh Kumar*¹

6. However, on going through the directions issued by the Writ Court what is apparently evident is that the only direction issued was to 'consider' the case of the petitioner and to pass 'appropriate orders'. The term 'consider' and the term 'appropriate orders' in a strict meaning would clearly give indication of an element of discretion left with the authorities who have to take a decision. The Two terms under no circumstances have to be presumed that the Writ Court had allowed the prayer of the petitioner in its entirety and in the process, mandamus was issued.

7. The only direction was to consider in accordance with law and wisdom of the respondent keeping in view of the judgment of the *Rakesh Kumar* (Supra).

8. The respondent having duly considered and having passed an order on 23.01.2024, the veracity of the said order cannot be subjected to test in the course of exercising the contempt jurisdiction of this Court.

¹ 2017 (13) SCC 388



9. If at all the petitioner is aggrieved by the order and is still claiming for something more than what has been granted, the only recourse available to the petitioner is to agitate the claim by filing a fresh petition assailing the order dated 23.01.2024 reserving the right of the petitioner.

10. The contempt case is, accordingly, closed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/- MOHD.ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Mr. Ravi Kumar Gadipe, Advocate [OPUC]
2. One CC to Ms. Anjali Agarwal, (SC FOR ENFORCEMENT DIRECTORATE) [OPUC]
3. Two CD Copies

KAM/PSL

JS



2026:THC:4206-DB

HIGH COURT

DATED: 24/03/2026

ORDER

CC.No.2413 of 2024



CLOSING THE CC

⑤ Copies

[Signature]

dt: 10/4/26