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W.P.No.11655 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.11655 of 2020

Tamil Nadu Tasmac Paniyalargal Sangam,
(Affiliated to A.I.T.U.C.)
Rep. by its General Secretary
D.Dhanasekaran,
No.10, Kovur Vaithiyanathan Street,
Chindatripet, Chennai – 600 002.

...

Petitioner

/vs/

1. State of Tamil Nadu,
Rep. by Secretary to Government,
Finance Department,
Fort St. George,
Chennai – 600 009.

2. The Managing Director,
TASMAC Ltd.,
Egmore, Chennai – 600 008.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to implement the benefits under G.O.Ms.No.280 dated 24.06.2020 by implementing the benefits under NHIS Covid – 19 Insurance Scheme in favour of the Employees and Staff of the Tasmac Limited.



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For Petitioner ... Mr. D.Bharathy

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For Respondents ... Mr. G.Nanmaran
Special Government Pleader for R1
Mr.K.Sathish Kumar
Standing Counsel for R2

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents to implement the benefits under G.O.Ms.No.280 dated 24.06.2020 by implementing the benefits under NHIS Covid – 19 Insurance Scheme in favour of the Employees and Staff of the Tasmac Limited.

2. The petitioner is a General Secretary of a sangam namely Tamil Nadu Tasmac Paniyalargal Sangam. The Writ Petition has been filed in his representative capacity as the General Secretary for the said sangam. The second respondent is the Managing Director of TASMAL Limited.

3. The learned counsel for the petitioner submitted that the petitioner is a registered body and it is affiliated to A.I.T.U.C. And the same is working for the welfare of the employees of the second respondent and



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they used to make representation for the grievances of the employees of the second respondent; the second respondent has got a insurance scheme and it is implemented from the year 2005; the Government of Tamil Nadu issued G.O.Ms.No.280 dated 24.06.2020 for the insurance scheme in respect of Covid – 19 and on the basis of which a sum of Rs.5,00,00,000/- was allotted to corpus fund for the New Health Insurance Scheme covered under the said G.O.Ms.No.280; even though many of the employees working in TASMAC shop have suffered due to Covid -19, the second respondent failed to consider the said benefits and hence the petitioner has filed this writ petition.

4. The learned Standing Counsel for the second respondent had filed his counter and stated that the second respondent has issued two circulars dated 30.06.2020 and 03.07.2020 vide Cir.No.D3/3182/2020 for claiming Covid-19 medical expenses from the Health Fund Scheme to the Retail Vending temporary employees; the second respondent had also issued a Circular on 16.03.2020 vide Circular Rc.No.R2/14589/2019 by directing the Senior Regional Managers and District Managers to ensure that the



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District Managers and all retail vending shop personnel to have a high quality mask, Hand sanitizer and to maintain cleanliness in and around the retail vending shops; further detailed guidelines by way of circular was also issued by the second respondent regarding the safety measures that has to be taken during pandemic; the circulars of the second respondent would also cover the entitlement of the employees of TASMAC in respect of their medical expenses covered by the health fund scheme; the second respondent corporation has provided medical benefits not only to the employees but also to the family members of the employees who are eligible for Covid – 19 medical expenses from Health Fund Scheme as cited in the above circulars.

5. The learned counsel for the petitioner also submitted that the circulars passed by the second respondent is beneficial to the members of the petitioner association and it is sufficient if the second respondent implements the same.



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6. Since the second respondent had issued circulars dated 30.06.2020 and 03.07.2020 vide Circular No. D3/3182/2020 to meet out the medical expenses incurred by its employees, I feel it is appropriate to direct the second respondent to necessarily follow his own circular and extend the benefits to the members of the petitioner association if they are found to be eligible for reimbursement as stated in the circular.

7. Accordingly, the second respondent is directed to follow his own circulars dated 30.06.2020 and 03.07.2020 vide Circular No. D3/3182/2020 and extend the benefits to the members of the petitioner association if they are found to be eligible for reimbursement as stated in the circular.

8. Since the first respondent is not a necessary party to this petition, the first respondent is expunged.

9. With the above direction, this Writ Petition is disposed. No costs.

04.10.2023

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To:

1. The Secretary to Government,
Finance Department,
Fort St. George,
Chennai – 600 009.
2. The Managing Director,
TASMAC Ltd.,
Egmore, Chennai – 600 008.



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R.N.MANJULA ,J.

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