



W.P.No.18814 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.18814 of 2020

Mr.R.Ravi Chandran

... Petitioner

Vs.

1. The Chairperson and Managing Director,
Tamil nadu Magnesite Limited,
5/53, Omalur Main Road,
Jakir Amapalayam post,
Salem – 636 302

2. The Manager (Personnel and Administration),
Tamil nadu Magnesite Limited,
5/53, Omalur Main Road,
Jakir Ammapalayam Post,
Salem – 636 302

3. Deputy Manager of Accounts,
Tamil Nadu Magnesite Limited,
5/53, Omalur main Road,
Jakkir Ammapalayam Post,
Salem – 636 302

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to restore



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the Medical reimbursement granted to the employees of the Tamil Nadu Magnesite Limited along with arrears in accordance with the office order No.86 dated 25.03.1988 on the file of the 1st respondent within the time period stipulated by this Court.

For Petitioner : Mr.Kavin Castro
for Mr.K.Thilageswaran
For Respondents : Mr.R.Bala Ramesh for R1
No appearance for R2 and R3

ORDER

The petitioner, who is an employee of Tamil Nadu Magnesite Limited, has filed this writ petition claiming that as per G.O.Ms.306 Finance [Pay Cell] Department dated 13.10.2017, he is entitled to get medical allowance despite re-imbursement scheme is also available for them. But the grievance of the petitioner is that now the employees are paying the premium for the medical insurance scheme and they are not given with any medical allowance.

2. Attention of this Court was invited to G.O.Ms.306 Finance [Pay Cell] Department dated 13.10.2017. It is the Government Order issued pursuant to the recommendations made by the Official



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Committee, 2017. After considering the recommendations only those benefits which are listed in the said GO were accepted to be given to the employees of Tamil nadu Magnasite Limited, which is a Public Sector company.

3. The Government order would prescribe that the employees will be getting a monthly allowance of Rs.300/- and all those employees who had joined Government service or on before 21.04.1995, who did not opt for medical allowance, are eligible for medical reimbursement scheme. The petitioner submitted that minimum premium required for the medical insurance is being deducted from his salary.

4. According to the learned counsel for respondent in order to enlarge the medical benefit to Government employees and the employees of public Sector Company, the Government has issued a subsequent Government order No.160 Finance [Salaries] Department dated 29.06.2021, by introducing a New Health Insurance Scheme [NHIS] wherein the Government servants and the employees of public Sector



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have to choose and join under the NHIS by foregoing the earlier medical benefits, the Government start paying medical allowance.

5. Though the petitioner makes out a point that earlier the Government was paying Rs.300/- as medical allowance every month irrespective of the fact whether any medical reimbursement has been made, as per the existing scheme. After the NHIS was introduced, the Government Servants who are paying the monthly insurance do not get any medical allowance.

6. So the commitment is largely on the shoulders of the employee and the insurance companies are roped in for meeting out the medical reimbursement. However, the petitioner has not challenged the Government order No.160 Finance [Salaries] Department dated 29.06.2021. His simple prayer is to direct the Government to grant medical allowance. Since the earlier GOs have been issued by accepting more or less similar benefits extended to the Government servants and the petitioner is also brought into the folder. While issuing every Government



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order in this regard, the petitioner cannot seek a direction for payment of medical allowance without challenging the latest Government Order which introduced the NHIS for which the employee has to pay the insurance. So far none of the employees have challenged the latest GO Ms.No.160 dated 29.06.2021. Even this petitioner has not challenged the Government order so long as the GO No.160 dated 29.06.2021 is in force and all those persons who are brought into its folder cannot claim any separate benefit that what has been conferred in the laid Government order.

7. In view of the above stated reasons, this writ petition stands dismissed. No costs.

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Index : Yes

Internet : Yes/No

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R.N.MANJULA, J.

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