

**THE WEST BENGAL CLINICAL ESTABLISHMENT  
REGULATORY COMMISSION.**

**Present: Justice Ashim Kumar Roy, Chairperson.**

**Dr. Sukumar Mukherjee, Member.**

**Dr. Madhusudan Banerjee, Member.**

**Dr. Abhijit Chowdhury, Member.**

**COMPLAINT ID: KOL/2017/000133.**

Mr. Teslim Chowdhury.....Complainant.

-versus-

A.M.R.I. Dhakuria & others.....Respondents.

Heard on: 11/10/2017

08/11/2017

**Date of judgment: 22<sup>nd</sup> November, 2017.**

**J U D G M E N T.**

The complainant is the husband of the service recipient. He lodged this complainant against the Clinical Establishment, A.M.R.I. Hospital, Dhakuria, alleging insult, humiliation by the staff members of the Clinical Establishment and denial of treatment by Dr. Sujoy Ghosh.

2. In his letter of complaint, the complainant alleged as follows:-

His wife, an old lady aged about 63 years, is an insulin dependent, type II diabetic patient and has been suffering from such disease for last 22 years. For last one year, she was under the treatment of Dr. Sujoy Ghosh at A.M.R.I. Hospital and used to consult him regularly and having Novomix insulin twice daily at the dose prescribed by Dr. Ghosh. However, the blood glucose level was not under control and on May 22, 2017 the doctor changed the medicine as also the dose. A self monitoring blood glucose level chart was prepared for three days and, thereafter, when the complainant tried to contact the treating doctor over mobile for regularizing the dose, he did not get any response. Every time he was informed by the call receiver, a hospital staff that no date is available because number of patient to be seen on each day was full. Having no alternative, on 12/06/2017, at around 04:30 pm he had been to the hospital and requested Ms. Aditi Roy, who was in the front desk of the endocrinology department, to get him consulted with Dr. Ghosh. When she asked him to pay Rs.700/- for only reporting, although no charge is to be levied for reporting and when patient is not seen by the doctor.

Thereafter, on 30/06/2017, again he contacted the hospital authority over phone when he was asked to come on the next day i.e., July 1<sup>st</sup>, 2017. Accordingly on July 1<sup>st</sup> 2017, he had been to the hospital on that day to inform the doctor even after high dose of insulin, sugar level of the service recipient was still not under control. However, the attitude of Ms. Aditi Roy and one Ms. Sunanda Ghosh, who was on the desk, towards him was not good and they misbehaved and taunted him. When the complainant conveyed them that his house physician Dr. Kabir Dutta has asked him to stop Telday 20 immediately and to stat Dilnip 5 then he was asked to wait for five minutes. Sometime, thereafter, Dr. Ghosh called him over phone and told that report cannot be done in person and should consult some other doctor. He never had such experience since September 2016 from when the complainant was consulting Dr. Sujoy Ghosh for his wife. Soon, thereafter, the doctor came out from his chamber and started shouting like anything in front of the visitors, patient parties and hospital staffs and asked him to behave in proper manner. Anytime before in his life, he was never encountered with such humiliation, insult, abuse, rude, discourteous behavior at any hospital by any medical officer.

3. Immediately upon receipt of the complaint the Commission communicated the same to the Clinical Establishment calling for a reply.
4. In response to that, Dr. Sujoy Ghosh through the C.E. submitted his reply and affidavits.
5. In his reply, the doctor categorically denied all the allegations made by the complainant and contended as follows:

Since September 16, 2017, Ms. Rasula Begum Chowdhury, a type-II diabetic patient on insulin and early nephropathy was under his treatment and his case was reviewed from time to time. Of late, the patient seldom came to the clinic. However, her husband repeatedly was coming to the clinic without any appointment and regularly threatened the clinic staff that he is an ex-police employee and he would complain to the higher authority if not allowed to meet the doctor and almost on many occasions, he paid no consultation fees. He used to abuse the staff on duty and misbehaved with them. On several occasions, he used to barge into his chamber in a rude attitude, even when other patients are present there. He also provided support of insulin dose adjustment even on telephone at least five times in two-three weeks from the last paid visit. Even when he is absent or on leave, at the hospital, he was helped by the diabetic educator without fees. He would hardly bring his wife and demanded advice only on the basis of report.

On 30<sup>th</sup> June, 2017, the complainant came to the hospital without appointment and the patient. When he talked with the complainant over phone, however, the complainant disconnected the line and pushed away the reception-in-charge, Aditi and barge into his chamber asking for dose adjustment. Talking with him, he understood that his wife was neither ill nor moribund. When he told the complainant politely but firmly that he has misbehaved with him and the hospital staffs on almost all interactions and as health care professional they



deserve to work with dignity. He was further told in the interest of the patient and it was unwise to consult in absence of the patient and that he was perhaps better off seeking opinion of some other specialist consultants. Then he became furious and started abusing him and the other hospital staffs and also threatened with dire consequences. There was no incident of either insulting or humiliating. The allegations made against him and the hospital staffs are highly defamatory and false.

6. This matter was posted for hearing on three occasions. However, twice it was heard but on one occasions hearing was adjourned since the complainant was absent.

7. At the time of hearing, complainant, Dr. Sujoy Ghosh, the treating doctor, Dr. Sudeshna Lahiri, Medical Superintendent, A.M.R.I., Ms. Aditi Roy and Ms. Sunanda Ghosh were also present.

8. Now considering the rival submissions of the parties and the nature of the allegations made in the letter of complaint and the reply and the affidavit filed in response thereto by the doctor and more particularly, during interaction with the parties viz., the complainant, the doctor and receptionist of the nursing home, we find that there was clear perceptual and subjective differences in care expectation on one hand and modes of care giving on the other hand, some disputes arose between them and that led to altercation. The Commission feels that this unwarranted situation could have been avoided, if both the parties were sensitive in their approaches.

However, undoubtedly no case for deficiency and negligence in providing service or unethical and irrational trade practice can said to have been made out against the Clinical Establishment or against anyone through whom service was rendered to the service recipient.

This complaint is, therefore, stands dismissed.

Sd/-  
Justice Ashim Kumar Roy  
Chairperson

Sd/-  
Dr. Sukumar Mukherjee, Member.

Sd/-  
Dr. Madhusudan Banerjee, Member.

Sd/-  
Dr. Abhijit Chowdhury, Member.



*Authenticated*  
  
Secretary  
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