

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: WBCERC/NOR/217/2024-25

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Surajit Roy Complainant

vs

Bhattacharyya Orthopaedics And Related Recovery Centre Private
Limited.....Respondent/ Respondents

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	06/01/2025	<p>The complaint would relate to hospital negligence coupled with medical issues.</p> <p>The patient, a police officer by profession, was injured in a road traffic accident. He was taken to the CE for orthopaedic intervention. The patient had undergone knee surgery on September 9, 2023. The implant was removed by the second surgery on April 19, 2024.</p> <p>The complainant has raised medical issues that would be outside our domain. We do not wish to interfere on that score.</p> <p>With regard to the hospital issues, three major</p>

			<p>complaints have arisen:</p> <p>i) While the patient was under treatment at the CE he opted for a single cabin. He had a calling bell by the side of his bed. While he was being administered fluid he wanted to attend the wash room and pushed the bell for support that was in vain. To attend nature's call, he had to personally carry the saline bottle with him to the wash room resulting blood coming out through the Cannula that was subsequently taken care of by the nursing staff.</p> <p>ii) During suture removal he was taken to a secluded place. It was removed as per protocol however, after the second surgery he had to undergo suture removal in a crowded place having many patients and patient's relatives all around, without maintaining the hygiene. He would apprehend, the infection that caused after the second surgery, might be due to such unhygienic process of suture removal.</p>
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			<p>iii) During discharge he was advised exercise and physiotherapy treatment that was not properly explained to him. Physiotherapist attached to the CE, attended him once during his stay at the CE. Since the complainant is staying at a far off place he contacted the same physiotherapist for further physiotherapy treatment. The physiotherapist went to his resident once and tried to bend his knee 140 degree at a time causing immense pain.</p> <p>iv) During his treatment he was asked to do the ECG. After necessary formalities he went to the ECG room that was locked, no one was around. He had to climb upstairs when he was told to go down again and wait for the nursing staff who would do the ECG.</p> <p>We come to know there is no provision for lift or escalator at the CE.</p> <p>We fail to appreciate how a Uni-speciality Centre, doing orthopaedic intervention, could run the unit without</p>
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		<p>having any escalator or lift.</p> <p>The hospital would submit they had a ramp that in our view, would not suffice.</p> <p>The ordeal that the patient had to suffer during his stay at the hospital and follow up check-up, is apparent.</p> <p>Our expert Dr. Mukul Bhattacharya, HOD, Orthopaedics, IPGMER would agree, post operative physiotherapy within a short interval in between, might cause immense pain. However, the protocol does not suggest 140 degree bending at a time.</p> <p>The physiotherapist present online, has denied having done so. We thus cannot come to a logical conclusion on the issue. However, we fail to appreciate how the CE could take it so lightly even after receipt of the complaint.</p> <p>On receipt of the complaint on December 17, 2024 we mailed it to the CE for their response. CE has given three page response that does not mention about any in-house inquiry being made on the hospital issue raised by</p>
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		<p>the complainant.</p> <p>The patient would inform us, he had his relative treated at the C.E earlier. Hence, he approached the CE.</p> <p>On a combined evaluation of the factual scenario we feel, interest of justice would be sub-served if we impose a token penalty to ameliorate the grievance of the complainant.</p> <p>We impose a penalty of Rs. 50,000- to be paid to the complainant.</p> <p>The complaint is directed to share his Bank details to the C.E so that the said some of Rs 50,000/- could be paid to him through Bank transfer.</p> <p>The CE would also send a letter of regret to the complainant for the entire sufferings that has surfaced during hearing as recorded above.</p> <p>The Learned Advocate, representing the complainant would submit that the complete set of BHT was not given as per the rules.</p>
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The CE would submit, they have mailed the records after receipt of the complaint.

We direct the CE to send hard copy of a complete set of medical records to the complainant along with the letter of regret, free of cost.

The complaint is disposed of accordingly.

Sd/-

The Hon'ble Chairperson

Sd/-

Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-


Prof. (Dr.) Makhan Lal Saha – Member

Sd/-

Dr. Maitrayee Banerjee – Member

Sd/-

Smt Madhabi Das – Member

Authentic copy

Secretary
West Bengal Clinical Establishment
Regulatory Commission