

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

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Sukumar Mukherjee, Member.

Dr. Madhusudan Banerjee, Member.

COMPLAINT ID: KOL/2017/000033.

Mr. Salman Akhtar.....Complainant.

-versus-

S.S. Chatterjee Heart Centre.....Respondents.

Date of judgment: 26th June, 2018.

J U D G M E N T .

According to the case made out in the letter of complaint and the complaint in the form of affidavit, the mother of the complainant Suraiya Akhter, an old lady aged about 63 years was bed ridden for last 35 years. She has lost her mobility in the lower limb for years together and is a known patient of diabetes. She was under treatment of Dr B K Nandi. Since some further complications arose and the mother of the complainant started suffering from high fever with vomiting associated with hypertension and diabetes on the advice of Dr B K Nandi on 01.04.2017, she was admitted under Dr S S Chatterjee at Dr S S Chatterjee Heart Centre. At the time of admission, although her mother was otherwise normal still she was admitted in ICCU unnecessarily to extort money and doctors not only prescribed several tests and medicines but also insisted for angiogram. However, the complainant and his other relation did not agree for angiogram and his mother was discharged from hospital on April 6, 2017. It is asserted that at the hospital his mother was forced to sit on the bed by the nursing staff knowing fully well that

she was physically disabled and at all incapable to sit. However, after she was taken back to home from the hospital after discharge, swelling was noticed on her both legs. The complainant came to learn from his mother, one day when she was forced to sit by the nursing staff of the hospital she heard a cracking sound. Subsequently, the complainant took his mother to the Orthopedic Department of the Calcutta National Medical College and Hospital and according to the advice, a digital x-ray on both her legs was done at Horizon Life Line Pvt. Ltd. and according to the report, she was having fracture of femoral shaft lower third oblique and distal. It is alleged due to the negligence of the hospital staffs, both the leg of the complainant's mother has fractured.

Over the self same allegation, the complainant has lodged a complaint before the West Bengal Medical Council, the District Consumer Forum and to the Karaya Police Station.

2. The respondent Clinical Establishment denied all the allegation of admitting her at ICCU and prescribing unnecessary test in order to extort money. It is categorically denied that the mother of the complainant sustained fracture on her both leg due to the mismanagement by their nursing staff. It is contended if it is so that the mother of the complainant suffered fracture at the hospital then the same could not have missed the notice of any one and the complainant's mother was discharged on risk bond at the behest of the complainant but at that stage no such complaint was made.

3. The parties were heard at length on several days. We have gone through the medical file and considered her medical condition pre and post admission period. The medical Members of the Commission have actively participated in the deliberation.

4. Now we find the mother of the complainant who is a known patient of paraplegia has been confined in bed for last 35 years. She was, on 01.04.2017, admitted at S.S. Chatterjee Heart Centre with high fever associated with respiratory disorder. She was a diabetic for quite a number of years. During her stay in the hospital she was regularly attended by Dr. S.S. Chatterjee under whom she was admitted as also by the RMOs at regular interval. She underwent various tests and received medicines for her disease. There is no record that during

her stay in the hospital she ever underwent physiotherapy. Finally on 06.04.2017, she was discharged on risk bond. After returning home according to the complainant, they noticed swelling in her both legs and was taken to Orthopedic Department of Chittaranjan National Medical College and Hospital and on the advice of the attending doctor an x-ray was done on 08.04.2017 and found that she has sustained fracture in femur. According to complainant his mother sustained such fracture at the nursing home as she was forced to sit by the nursing staff.

The service recipient is known patient of paraplegia having diabetic mellitus and bed ridden admittedly for last 35 years. She was also having osteoporosis for long. Therefore, due to thinning of bone, fracture of limb is quite common even on mild trauma. Her medical records at the Clinical Establishment do not indicate anything from which it can be reasonably assumed that she sustained fracture of femur at the Nursing Home. The complainant was unable to bring to our notice any materials to show that such fracture was sustained by her at the Nursing Home and not elsewhere after her discharge.

We do not find that this is a fit case for intervention. No case for deficiency in service has been made out. The case has no merit and accordingly stands dismissed.

Sd/-

Justice Ashim Kumar Roy
Chairperson.

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.

Authenticated
29/6/2018
Secretary

West Bengal Clinical Establishment
Regulatory Commission