

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

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Sukumar Mukherjee, Member.

Dr. Madhusudan Banerjee, Member.

Dr. Maitrayee Banerjee, Member.

COMPLAINT ID: KOL/2018/000398

Mrs. Maya Koner.....Complainant.

-versus-

B B Eye Foundation & others.....Respondents.

Date of judgment: 11th September, 2018.

J U D G M E N T.

According to the letter of complaint, the complainant, an old lady aged about 82 years having some problem with her "right eye sight" was under regular treatment of Dr Jayanthi Raman, a consultant Ophthalmologist. It is her further case that on 4.10.2017, Dr Raman advised for three specific diagnostic tests and referred her to B.B. Eye Foundation. It is claimed in his aforesaid prescription, Dr Raman nowhere sought for any second opinion from any ophthalmologist. On 18.10.2017 at around 8.30am, the complainant with her husband had been to B B Eye Foundation, as per pre-fixed appointment and handed over the concerned person at the reception the prescription of Dr Raman, filled the form and paid sum of Rs.2,600/- . Thereafter, she and her husband went out for their breakfast and having a call from the reception, they returned to the hospital. On their return, the receptionist asked for original money receipt of Rs. 2,600/- and origination registration card. Then they were again asked to pay Rs. 500/- and that was paid by her husband in cash. At that time, it was noticed that the name of the doctor, Dr Jayanthi Raman actually who referred her for such diagnostic tests has been changed and the doctor's name was noted as Dr Chandrima Pal. It was further noticed

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that in the registration card the spelling of her name was wrong as well as her date of birth. However, she remained silent. At the time of test, Dr Chandrima Pal told her that the tests are being done for glaucoma although Dr Jayanthi Raman has not prescribed for the same. Dr Pal did not allow her husband to remain inside the cabin although whenever for any test, she went to any diagnostic centre, and her husband was allowed to be with her. No test which was advised by Dr Raman was carried out and Dr Chandrima Pal had done the test for glaucoma on her own. After the tests were over, she prescribed several medicines on her own and made her to purchase those medicines from the pharmacy of B.B.Eye Foundation.

When the complainant brought the aforesaid facts to the notice of authority of B B Eye Foundation through email, followed by Speed Post but received no response. Even when the complainant informed the B B Eye Foundation if her grievances are duly not attended, she shall have no option but to lodge a complaint to the Commission, still there was no response. Thereafter the complainant went back to her primary Ophthalmologist Dr. Jayanthi Raman, who expressed her great suspicion regarding the diagnosis of macular hole as made by Dr. Chandrima Paul and referred her to Dr. Muna Bhende of Shankar Netralay, Chennai. It is further alleged that thereafter she received several sms from B B Eye Foundation insisting her to visit Dr. Chandrima Paul on the scheduled day although she made no appointment with her.

2. On the other hand, Dr. Chandrima Paul appeared in person before the Commission. She denied that some tests were done by her other than those advised by Dr. Jayanthi Raman. She further submitted that as the complainant insisted for consultation, she examined her and advised medicines. She denied that the complainant was insisted to purchase medicines from their pharmacy. According to her, that the sms which was received by the complainant was system generated for which she has nothing to do.

3. Heard the parties at length. Considered their respective submission.

4. We find that substance of the allegation against the Clinical Establishment are as follows,

a. Extra investigations were done beyond the advice of Dr. Jayanthi Raman.

b. The complainant was referred to B B Eye Foundation only for certain ophthalmic investigation and not to Dr. Chandrima Paul for any consultation.

c. Without being referred to her, Dr. Chandrima Paul on her own took up the consultation and for that charged a total sum of Rs.500/- including the registration fee.

5. Now considering the prescription of Dr. Jayanthi Raman dated 14.10.2017 and the ophthalmic investigation she advised and comparing the investigations so advised and the investigations actually done at B B Eye Foundation we do not find that any investigation was done beyond the advice by Dr. Jayanthi Raman. So far as the next question is concerned, it is true that complainant was referred to B B Eye Foundation only for certain ophthalmic investigation and those investigations were done by Dr. Chandrima Paul. We find sufficient force in the submission of the complainant that she was never referred to Dr. Chandrima Paul for any consultation by her primary consultant ophthalmologist Dr. Jayanthi Raman. Even assuming that it is the complainant who insisted Dr. Chandrima Paul for consultation, she should not have taken up any consultation fees with the complainant at a stage when she was only referred to her institution for some investigation. The issue would have been otherwise if after going back to the primary consultant Dr. Jayanthi Raman, the complainant then would have come back to Dr. Chandrima Paul for further opinion. This is a case where the consultation was done simultaneously with the ophthalmic investigation which according to us is not at all appropriate for unsolicited advice.

It be noted at the time of hearing Dr. Chandrima Paul was apprised about the aforesaid position and she admitted her lapse but claimed that her intention was bona fide and she is ready to refund the charges for consultation.

6. We find the consultation charge, including registration was Rs.500/- only. However, in our opinion it would not be sufficient to refund the said Rs.500/- only to the complainant. The complainant is an old lady aged about 82 years she being accompanied by her husband an elder person aged about 87 years. This is a case she approached us after her grievances was not

considered by the Clinical Establishment, although she ventilated her grievance in writing on several occasions. Dr. Chandrima Paul admittedly is one of the director of B B Eye Foundation.

Now, considering the efforts, harassment the elderly complainant has to suffer due to no fault of her, we are of the opinion that this is a fit case, where a sum of Rs. 5000/- be awarded as compensation and that would sub-serve the justice.

Such amount of compensation shall be paid to the complainant within 15 days from this date.

The case stands closed and disposed of.

Sd/-
Justice Ashim Kumar Roy
Chairperson.

Sd/-
Dr. Sukumar Mukherjee, Member.

Sd/-
Dr. Madhusudan Banerjee, Member.

Sd/-
Dr. Maitrayee Banerjee, Member.

Authenticated

[Signature]

11/9/2018

ARSHAD HASAN WARSI
WBCS (Ex)
Secretary
W. B. C. E. R. C.