

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

Present: Justice Ashim Kumar Roy, Chairperson.

Dr. Sukumar Mukherjee, Member.

Dr. Madhusudan Banerjee, Member.

COMPLAINT ID: KOL/2017/000255.

Mr. Sinchan Haldar.....Complainant.

-versus-

Institute of Neuroscience.....Respondents.

Date of judgment: 5th December, 2018.

J U D G M E N T .

The case of the complainant as it transpires from the letter of complaint that his father Janoki Bhushan Halder was admitted, on 29.03.2017 at Institute of Neuro Science with severe respiratory problems and stayed there till 05.04.2017. Thereafter he was shifted to another hospital and expired on 09.04.2017. It is claimed that his father died due to lack of caution and care during his hospitalization from the side of the Clinical Establishment. Dr. Rabin Sengupta, founder Chairman of the Clinical Establishment, through email, admitted that the mishap occurred due to the casual approach of the hospital staff.

On the above allegation a compensation of Rs.10lakh was claimed and it was demanded the registration and license of the Clinical Establishment be cancelled.

2. As directed by the Commission, the complainant filed his complaint in the form of affidavit. In the affidavit, the statement made in the following paragraphs is essential for reaching to a just decision in the matter.

- a. Mr. Pallab Chakrabarty one of the senior staffs of INK asked us to shift my father to Anandalok Hospital & told us that Anandalok Hospital has been equipped with multiple facility at comparatively low price & above all that we could avail the suggested treatment there. He introduced me with Dr. Anirban Roychoudhury over phone who was affiliated with Anandalok Hospital as I was informed by Mr. Pallab Chakrabarty. Mr. Pallab Chakrabarty assured me that he had arranged everything about admission of my father at Anandalok Hospital discussing with Dr. Anirban Roychoudhury and we could shift my father from INK to Anandalok Hospital. And having faith on the assurance of Mr. Pallab Chakrabarty, I released my father on 05/04/17 from INK. After discharge Mr. Pallab Chakrabarty advised us to inform Dr. Anirban Roychoudhury that we were on our way to Anandalok Hospital. I telephoned Dr. Anirban Roychoudhury and he told us to admit my father under Nephrologist Dr. Manjit Kumar at Anandalok.
- b. When we arrived at Anadalok, Dr. Manjit Kumar denied to admit my father informing us that he did not have any prior communication regarding such critical condition my father was in. He also informed us that my father might require ventilator any time & all the ventilators at Anandalok were occupied. We were shocked & terrified, to say the least, when we came to know that they did not have any infrastructure for Plasmapheresis either. We informed the fact immediately to both Mr. Pallab Chakrabarty & Dr. Anirban Roychoudhury. Both of them advised us to hold on to our nerves and they would soon come up with a solution. After few minutes Dr. Anirban Roychoudhury stopped picking up my phone call and most surprisingly Mr. Pallab Chakrabarty informed us that he would like to make another trial to admit my father at Divine Nursing Home. We prayed, waited and waited for the Senior Manager to come to our rescue. But finally losing all hope, around 11pm, we took my father to the local nursing home. Next morning, on the 6th of April 2017, I requested Mr. Pallab Chakrabarty to readmit my father at INK. In reply he texted me contact number of another doctor, Dr. Swarup Sinha's & advised me to communicate with him. And that was the last time I heard from Mr. Pallab Chakrabarty. After that he did not show any interest about my father's health.
- c. Finally my father died on 09/04/17 due to the misguidance and negligence of Mr. Pallab Chakrabarty representing INK, as by keeping faith on his assurance and according to his guidance I shifted my father.
- d. My decision for releasing & shifting the patient from INK to Anondolok Hospital was influenced by Mr. Pallab Chakrabarty, who was holding an Important Post at INK.
- e. Giving false assurance that Mr. Pallab Chakrabarty had informed Anandalok about the patient's condition and Anandalok have the proper infrastructure for the treatment of the patient.
- f. The Discharge of the patient from INK had been influenced by the false promise made by Mr. Pallab Chakrabarty and when it failed he refused to readmit the patient at INK again.
- g. When the patient needed to take in ICU under proper care and observation that time the patient was actually in an ambulance, unattended, standing in corner of the road for 4 hours. That helpless situation, caused due to unnecessary shifting of patient from INK, may lead the patient for deterioration of his health.

4. Against the case of the complainant the Clinical Establishment filed their reply in the form of affidavit. All the allegations are denied and it is claimed that complaint is frivolous and the complaint has been lodged nearly eight months after the incident by fabricating a concocted story.

5. Now, going through the records, we do not find any suggestion on the part of Pallav Chakraborty, made to the complainant for shifting his father to Anandalok Hospital. At best this is a merely a suggestion made by Mr. Pallav Chakraborty verbally. On the face of the allegation and accepting the same as a whole, in our opinion, no case for deficiency in patient care service has been made out and accordingly, the case stands closed and disposed of.

Sd/-

Justice Ashim Kumar Roy
Chairperson.

Sd/-

Dr. Sukumar Mukherjee, Member.

Sd/-

Dr. Madhusudan Banerjee, Member.

Authenticated


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