

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: KOL/2018/000390

Rajesh Mandal..... Complainant

vs

**R.N.Tagore International Institute of Cardic Sciences (Unit of Narayana Hrudayalaya Ltd.)Lila
Hospital Pvt. Ltd..... Respondent/ Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1	14/08/2019	<p>This is an unfortunate case where the ill-fated parents lost their only child who was admitted in the hospital for gallstone surgery that created complications. We heard the matter at length on July 4, 2019 when in course of hearing we felt, although there was no direct link of the negligence to the patient's death we cannot brush aside the irregularities and deficiencies in services by the clinical establishment. While discussing on the issue, we expressed our mind. We gave an opportunity to the clinical establishment to resolve the issue amicably by talking to the parents. However, the parents present at the hearing were of the view, they would seek justice from the Commission. No money could bring their child back. We fixed a sum of Rs.5 lacs as compensation. The clinical establishment through their representative present at the hearing left the issue to us. It was more or less a concession made by the clinical establishment. On such basis, we directed payment of compensation to the extent of Rs.5 lacs without specifically commenting on the irregularity and deficiency. Such stand was taken by us to ameliorate the grievance of the ill-fated parents of the deceased child. The Hospital Authority also categorically asked for some time to pay the said sum. We granted them time as prayed for. We also reserved the liberty of the</p>



complainant to pursue their complaint against the treating doctor before West Bengal Medical Council.

Now, we are confronted with their application made by Mr. Manju Nath, Facility Director. According to Mr. Nath, since there was no deficiency in service on the part of the clinical establishment question of offering compensation could not arise. Hence, the part of the order where it was recorded that Dr. Bhattacharjee, Medical Superintendant offered a sum of Rs.5 lacs, should be deleted. Pertinent to note, Mr. Manju Nath was neither present on the day of hearing nor today although he has verified the petition, particularly paragraph 8 and 9 thereof, as true to his knowledge. We fail to appreciate, how Mr. Nath could make such assertion without being present at the hearing.

We considered each and every issue at the hearing. We felt some compensation should be given to the ill-fated parents. We indicated so. We gave opportunity to the representative of the clinical establishment to talk to the higher up and take appropriate decision. They reverted back to us leaving it to us.

This application is made with ulterior motive and the same is dismissed.

Sd/-

Hon'ble Chairperson

Sd/-

Dr. Sukumar Mukherjee, Member

Sd/-

Prof. (Dr.) Abhijit Chowdhury, Member

Sd/-

Dr. Gopal Krishna Dhali, Member

Sd/-

Dr. Madhusudan Banerjee, Member

Arshad Hasan Warsi
Arshad Hasan Warsi
ARSHAD HASAN WARSI
Secretary
West Bengal Clinical Establishment
Regulatory Commission
&
Joint Secretary
Health & F.W. Department