

Office of the West Bengal Clinical Establishment Regulatory Commission

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Case Reference: 564/2018/000353

Sanjay Kumar..... Complainant

vs

Asansol Medical Centre Pvt. Ltd. .... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	.	31/10/2019	<p>This complaint would relate to a surgery complication that resulted in death of the patient who was said to be under care of Dr. P.R. Mukherjee in the Clinical Establishment. The matter was heard by the Commission on September 18, 2019, when we heard Dr. Bhowmik, the surgeon who did the surgery as well as the Anaesthesist Dr. Oromita Khan. We are satisfied that the surgery was uneventful. However, the patient was declared dead on the next day morning at 5:30 a.m. As per the post-mortem report, the death had been caused approximately 12 hours before the post-mortem was done. We requested the RMO Dr. Rose Hansda to be present before us to assist us by apprising us about the treatment that was given to the patient at the need of the hour. Dr. Hansda has given us a letter that we have received yesterday. The relevant extract is quoted below:-</p> <p><i>“With due respect and humble submission I beg to draw your kind attention that I am not the residential Medical Officer of Asansol Medical Centre (Pvt.) Ltd. And it is absolutely fraudulent statement by the company claiming that I was on duty Residential Medical Officer on 19.03.2018 and the subsequent night.</i></p> <p><i>It is further submitted that Dr. SUPRAVAT BAGCHI (Having Russian Qualification) was ON DUTY RESIDENTIAL MEDICAL OFFICER on 19.03.2018 to</i></p>





20.03.2018.

*I am being falsely projected as the Residential Medical Officer by the company Asansol Medical Centre (Pvt.) Ltd.*

*It is absolutely a distorted version of truth that I was the Residential Medical Officer of the Hospital in respect to the said patient Sunita Srivastav on 19.03.2018 to 20.03.2018.*


*It is further for your information that the said Sunita Srivastav was neither my patient nor I took any fees in respect of my service. Service and treatment was given to her was absolutely towards the request of the duty nurses on humanitarian ground when I had gone to the hospital after getting call from nurse to see my own patients."*

From the paragraph quoted supra, we find, Dr. Hansda denied her involvement in the treatment. According to her, she was not the RMO on the relevant date, however, at the request of the nursing staff she attended the patient on humanitarian ground. Dr. Hansda is absent.

On the last occasion, we enquired from the Clinical Establishment about the nursing staff and we found, there was no properly qualified nursing staff who attended the patient at the relevant time. To that extent, the hospital was definitely negligent. The Clinical Establishment is also not in a position to give any plausible explanation to counter act the definite assertion of Dr. Hansda. We also do not find any plausible explanation as to the deficiency referred to above.

The cause of the death is not clear to us. We do not find any direct negligence on the part of the Clinical Establishment that could have direct nexus to the death of the patient. This could only be determined after the pending proceeding before the West Bengal Medical Council as against the treating doctor are disposed of.

We permit the complainant to approach us again after disposal of the West





Bengal Medical Council proceeding. The complainant is also given liberty to implead Dr. Hansda in the pending proceeding before West Bengal Medical Council if they are so advised. However, on the deficiency since we find, there was no qualified RMO or nursing staff present in the Clinical Establishment we impose a token compensation of Rs.50, 000/- on this account. However, we make it clear, this amount of compensation is not exhaustive as we would be awaiting the decision of the West Bengal Medical Council so that we could impose further compensation in case occasion so arises in future.

The said sum of Rs.50, 000/- be paid by December 31, 2019.

The complaint is disposed of accordingly.

Sd/-

Hon'ble Chairperson

Sd/-

Dr. Sukumar Mukherjee, Member

Sd/-

Dr. Gopal Krishna Dhali, Member

Sd/-

Dr. Makhanlal Saha, Member

Sd/-

Dr. Madhusudan Banerjee, Member

Sd/-

Dr. Maitreyi Banerjee, Member

Sd/-

Smt. Madhabi Das, Member

*Authenticated*  
*W.B.*

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