Office of the West Bengal Clinical Establishment Regulatory Commission
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Case Reference: INT/KOL/2023/062

Mr. Joy Saha .... **Complainant**

vs

Charnock Hospital..... **Respondent/ Respondents**

ORDER SHEET

Office Note	Order No.	Date	Order
	1.	03/05/ 2023	The complaint would relate to medical negligence that would be outside our domain. We permit the complainant to approach appropriate authority questioning the treatment protocol. The complainant would also raise an issue that would relate to the concerned CE. The fact would reveal, 83 years old female patient was admitted in the afternoon on February 14, 2023 with the history of respiratory distress. She was admitted in the ICU under Dr. Arnab Kundu. Dr. Kundu was not available during admission. He saw the patient on the next day. At about 3 pm, he interacted with the patient family. According to Dr. Kundu, on the insistence of the

			patient family, he made referral to Dr. Shaibal Ghosh, pulmonologist. Dr. Ghosh however, could not see the patient immediately. Dr. Ghosh examined the patient at 8.30 pm on February 16, 2023 as appears from page 25 of the BHT. The complainant would however, contend, they were kept in the dark about doctor Ghosh's visit. They could interact only with Dr. Aditya, Cardiologist who examined the patient on referral on February 16, 2023. Dr. Aditya informed them, the patient did not have any cardiac problem. The patient had pneumonia as we find from the BHT hence, pulmonologist should have examined the patient. We are told, the hospital was having two regular pulmonologists on their pay roll. Dr. Leena Mistri, who was available at that time, saw other patients in the ward. In course of hearing Ms. Ipsita Kundu, representing the CE, would admit, Dr. Mistri examined other patients. However, she subsequently modified her statement by contending, Dr. Mistri also examined this particular patient however, she

did not make any observation in the BHT.

The complainant would assert, they were totally in the dark as to whether Dr. Ghosh had actually examined the patient or not. We, however, wish to rely on BHT that was maintained in the usual course where it would appear, Dr. Ghosh not only examined the patient but also made certain suggestions as to the treatment protocol however, that was too late.

Even if we accept assertion of the CE that the Dr. Ghosh did examine the patient that was more than 48 hours after the admission. We do not find any satisfactory answer from the CE why their regular pulmonologist did not examine the patient at the appropriate time.

The CE would also contend, Dr. Kundu, being the treating doctor, was having wide expertise on the subject.

We cannot over look the fact, there had been a pulmonology referral by Dr. Kundu.

We hold the hospital guilty of negligence on that score. We are not sure whether it would have changed the situation had Dr. Ghosh or any other pulmonologist

visited the patient at the need of the hour.

We impose penalty of Rs. 1,00,000/-.

The CE is directed to pay the said sum to Sri Shib Sankar Saha, son of the patient, who admitted the patient at the CE.

Mr. Shib Sankar Saha may share his bank details with the CE so that the money could be transferred to his account.

The complaint is disposed of accordingly.

Sd/-
The Hon'ble Chairperson

Sd/-
Prof. (Dr.) Sukumar Mukherjee – Member

Sd/-
Dr. Maitrayee Banerjee – Member

Sd/-
Sri. Sutirtha Bhattacharya, IAS (Retd)- Member

Sd/-
Smt Madhabi Das – Member

Secretary
West Bengal Clinical Establishment Regulatory Commission