DMC/DC/F.14/Comp.2796//2/2021/ 01st October, 2021

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a complaint of Shri O.P. Swami, r/o- D-184, Shyam Vihar, PH-1, Main Road No. 06, Goyla Road Najafgarh, New Delhi-110043, alleging medical negligence on the part of Dr. Pushpender Sachdeva of Venkateshwar Hospital, Sector-18 A, Dwarka, New Delhi, in the treatment administered to the complainant’s wife Smt. Meera Devi.

The Order of the Disciplinary Committee dated 26th August, 2021 is reproduced herein-below:

The Disciplinary Committee of the Delhi Medical Council examined a complaint of Shri O.P. Swami, r/o- D-184, Shyam Vihar, PH-1, Main Road No. 06, Goyla Road Najafgarh, New Delhi-110043 (referred hereinafter as the complainant), alleging medical negligence on the part of Dr. Pushpender Sachdeva of Venkateshwar Hospital, Sector-18 A, Dwarka, New Delhi (referred hereinafter as the said Hospital), in the treatment administered to the complainant’s wife Smt. Meera Devi (referred hereinafter as the patient).

The Disciplinary Committee perused the complaint, representation from Police Station Dwarka North, written statement of Smt. Gunjan Sinha, Chief Operating Officer, Venkateshwar Hospital, Dr. P.K. Sachdeva, copy of medical records of Venkateshwar Hospital and other documents on record.

The following were heard in person :-

1) Shri O.P. Swami Complainant

2) Dr. Pushpender Sachdeva Director & Head, Neurosurgery, Venkateshwar Hospital

3) Dr. Rahul Sharma Consultant Neurosurgery, Venkateshwar Hospital

4) Dr. Chandan Kumar Medical Superintendent, Venkateshwar Hospital

The complainant Shri O.P. Swami alleged that he had been shocked and depressed by the sad demise of his wife Smt. Meera Devi (the patient) who undergone treatment in the Venkateshwar Hospital, Sector--18A, Dwarka, New Delhi 110075 since the day of Road Traffic Accident on 06th August, 2018, in which his wife suffered multiple injuries including fractures in both her arms. Dr. P.K. Sachdeva (Dr. Pushpender Sachdeva) prescribed and conducted all possible tests and he (Dr. Pushpender Sachdeva) was also a team members of the doctors who treated her lastly from 28.01.2019 to 08.02.2019. Due to brain metastasis, she underwent radiation therapy and due to its reaction, her gall bladder ruptured. So, she had to endure further gall bladder surgery, and then subjected to light seizures. So, all her treatments pertained to this disease were in the hands of Dr. P.K. Sachdeva who always found remiss and negligent, led to the vulnerable condition of his wife at the above hospital. Eventually, she passed away and victimized at the hands of Dr. Pushpender Sachdeva. Hence, he submits and bring out the facts of his grievances for appropriate action against him (Dr. Pushpender Sachdeva) as : The death is certain and human life is also mortal like other creatures in this world. Some diseases are still incurable and beyond the control of the doctors even till today. But in modern era of latest technologies, if such patients are admitted for the treatment in well equipped hospital for exorbitant consideration of expenditure his/her life at least may be enlarged in days/months/years, as the case may be, if could not save and cured perfectly. On the contrary, if it is abridged due to egotism, non-coordination with other treating doctors of team, deliberate evading, jealousy, maliciously and annoyance of a doctor due to personal grudge, resulting the death of thepatient, a cause of the complaint and action essentially arises there. Every moment of life is precious for the spouse and all family members of a patient, for her constant contribution of moral support, guidance, and control to lead a life of development in fulfilling the social obligations and service of nation. So, the time of outrageous injustice in the hospital cannot be forgotten for such a family member.

He further alleged that Dr. P.K. Sachdeva is neurosurgeon in this hospital. He (Dr. Pushpender Sachdeva) dominates the managements and used to practice arbitrarily, rampantly and recklessly in his branch/department. So, his subordinate doctors also echo his ideas and percepts in his monotony. He is also a conceited, adamant, greedy doctor having grudge since the day of RTA (Road Traffic Accident) admission dated 07.08.2018 vide our UHIO No. 170026583 and 170026035 pertained to both of them injured. His wife was discharged on 13.08.2018 after she underwent surgery in both her arms due to fracture. At that time Dr. P.K. Sachdeva insisted on more and more tests and she was crying with pains of injuries sustained by her up-to two days awaiting fractures surgery. However, they never objected to PET CT test and the patient was also sent to PET CT room but it could not be conducted due to her uncontrolled diabetes on that day. So, Dr. P.K. Sachdeva annoyed with them and attributed the non-examination of PET CT to him and held unwanted grudge. It was detected on 28.11.2018 at Jupiter Hospital that she was suffering from brain metastasis. They were innocent and again wanted to consult him on 05.12.2018 but he (the complainant) visited without the patient and explained all symptoms of her ailments. Dr. P.K. Sachdevav showed no interest and identified him (the complainant) and expressed his old annoyance and resentment. So they preferred to admit her through other doctor of breast oncology section who advised for radiation therapy on her head to pacify the head edema to relieve her which was applied from 14.12.2018 to 04.01.2019 by Dr. Kuldeep Sharma. The patient was subsequently on rest to ease her swellings due to its side effects/reactions. Meanwhile, she felt abdomen pain and admitted in emergency where it was diagnosed that her gall bladder was ruptured. She was admitted on bed No. 9023 from 19.01.2019 to 28.01.2019 for the surgery but on discharged dated 28.01.2019, she felt giddy and again they resorted to emergency, from there patient was forwarded and admitted to SICU bed no.4012 where no one was allowed to attend the patient. It was the time when due to light seizures, role of Dr. P.K. Sachdeva again put through its paces. They trusted him (Dr. P.K. Sachdeva) and expected to cure her neuro related problem, being specialist of this field.

He also alleged that Dr. P.K. Sachdeva advised NPO on 29.01.2019, at the instance of other doctors who referred him their case to wield problem of seizures but he (the doctor) disappeared on the next day i.e 30.01.2019. Their patient was languishing for a drop of water. The staff nurse justified that NPO could be called-off at the advice of only Dr.P.K. Sachdeva. They had to search him in OPD and on asking the purpose of NPO, he (the doctor) put-off and directed them to convey the staff nurse to contact him (the doctor) over intercom to call off the NPO and we did so. Dr. P.K. Sachdeva continued to keep the patient on NPO even in her vulnerable condition without coordination of other team doctors. She out-rightly collapsed and NPO was continued further on the pretext that water may enter in the lungs if seizures occur. Seizures were recurring 2-3 times in 24 hours. Dr. P.K. Sachdeva made no efforts to stop seizures and always tried to escape. He (Dr. P.K. Sachdeva) administered some specific/overdose on 31.01.2019 after their complaint to Dr. Nagendra Solanki(administrator) and the patient got unconscious since that day. She closed her eyes. She could not speak a word and look at anybody after this sulky day. They again lodged a complaint with Dr. Nagendra that Dr. P.K Sachdeva had disappeared to escape the responsibilities and had no interest. He (Dr. P.K. Sachdeva) did not visit from 01.02.2019 to 02.02.2019, leaving the patient unconscious. When they asked him (Dr. P.K. Sachdeva) the reasons not to visit their patient’s room, he (Dr. P.K. Sachdeva) falsely excused that he (Dr. P.K. Sachdeva) was in the meeting while he (Dr. P.K. Sachdeva) was in GT in the same room and slipped out escaping the patient deliberately. Then they requested again Dr. Nagendra Solanki to change him (Dr. P.K. Sachdeva) with another neurologist, but he(Dr. Nagendra Solanki) forbade and overlooked their requests. They again searched him in GPO but he stated that Dr. Gupta is himself competent to do every work which he can do. So contact your doctor who is also the in-charge of the patient file while Dr. Gupta had already implicitly stated that his (Dr. Gupta) treatment could only be initiated on the stability of the patient condition and he was only looking after the patient without any prescription/medicine. Dr. P.K. Sachdeva used to set off all his (the complainant) family members who were beseeching and bowing before him(Dr. P.K. Sachdeva) for help to regain her senses. He (the complainant) personally appeared in his cabin shedding tears and, beg to cure his patient but he was relentless and never consoled them in distress. He (Dr. P.K. Sachdeva) never attended their patient seriously or wanted to cure her. It seemed that he (Dr. P.K. Sachdeva) was experimenting arbitrarily and rampantly to retaliate his old grudge against the attendant which is not conforming to the MCI regulation of practice, conduct and etiquettes. He (Dr. P.K. Sachdeva) was delinquent, heedless, and remised his patient. After 02.02.2019, he (Dr. P.K. Sachdeva) visited and did not utter a word for the recovery to regain the consciousness. She was comatose breathing with the following emergency equipments to pull on/bump up the hospital bill in ICU. Oxygen mask on mouth, Ryles tube in nose, urine pouch, bile drain bag of surgery, three way IV cannula in leg and pulse oximeter. Dr. P.K. Sachdeva also marked his visit presence on the day of his absence, manipulated the hospital record and charged in the bill, as revealed later on, so they did not provide the complete medication record on requests. He spent and paid Rs.1,71,494/- from 19.01.2019 to 28.01.2019, Rs.3,95,724/- from 28.01.2019 to 08.02.2019 by his individual health insurance and from his personal resources but all his efforts proved futile and they were looking as a helpless mute spectators in the hospital. Gradually Dr. P.K. Sachdeva took away the life of his wife. On the contrary, he (Dr. P.K. Sachdeva) stressed on Dr. Sunil Kumar Gupta to advise them any how to seek discharge to realize their pending hospital bill. In the above precarious condition, no other hospital could accommodate and admit the patient in coma and they were unable to return the home and did not want to put her life in jeopardy. Anyhow, they managed to sojourn another small hospital to revive her because in that critical condition, no one can maintain her without the services of hospital emergency. They spent Rs.1,26,536/- from 08.02.2019 to 18.02.2019. This hospital required the previous medication record to treat her in a certain proper direction but it could be provided with the permission of Dr. Sunil Kumar Gupta and Dr. P.K Sachdeva who did not allow for some time but after alterations, amendments, addition in the record to ensure their safety/ responsibility, they provided an incomplete medication record after the death of his wife and proved uselessand infructuous which amounts to torture, cruelty due to misfeasance of his duties unethically and immorally. They have not forgiven and forgotten the omission, commission, and acts of misfeasance of Dr. P.K Sachdeva. They are in a shock and traumatized due to his (Dr. P.K. Sachdeva) malice and negligence. The untimely loss of life cannot be compensated in terms of money. It is, therefore, prayed that an appropriate strict action may kindly be taken against Dr. P.K. Sachdeva as per provisions of the Delhi Medical Council Act, to meet the ends of justice and oblige.

It is noted that the police in its representation has sought medical opinion on a complaint of Shri O.P. Swami, alleging medical negligence in the treatment administered to his wife at Venkateshwar Hospital.

Dr. Pushpender Sachdeva, Director & Head, Neurosurgery, Venkateshwar Hospital in his written statement averred that on 07.08.2018, the complainant’s wife, Smt. Meera Devi (the patient) was initially admitted to the hospital for the treatment of injuries sustained as a result of a Road Traffic Accident. However, investigations conducted in order to treat the aforementioned injuries also revealed that the patient was suffering from some lesion in the brain. It is pertinent to mention here that at the time of admission of the patient, the complainant created a ruckus in the hospital which prevented the hospital from functioning smoothly. However, on 07.08.2018, the patient’s attendant, viz. the complainant, did not permit him to conduct further investigations that were necessary in order to establish the correct diagnosis and the requisite treatment, and instead took the patient away on 13.08.2018 after she received treatment for injuries sustained from the accident. Thereafter, after a period of four months on 05.12.2018, the complainant again approached the OPD of the hospital, seeking consultation regarding the deteriorating condition of the patient. However, it is pertinent to note that the patient was not present with the complainant as at that time, the patient was undergoing alternative treatment in Pune. In light of the deteriorating condition of the patient, the complainant was advised to admit the patient in the hospital forthwith in order to carry out further investigations and plan treatment to reverse her deteriorating health. Consequently, on 07.12.2018, the patient presented with slurring of speech and memory loss, and was, thereafter, diagnosed with brain metastasis and was started on radiation therapy. Eventually, on 28.01.2019, the patient was re-admitted in the hospital with seizures under the Medical Oncology Department. It is pertinent to mention that the patient was not re-admitted in the neurology department under him. It is stated that at the time of admission into the hospital, the patient was already at a critical stage and there was no possibility of any active effectual intervention. At the time of admission itself, the patient was also suffering from continuous seizures due to the pre-existing disease that the patient suffered from. It is further stated that despite the usage of multiple drugs to control the seizures, there was no positive result due to the delayed stage of disease that the patient presented. It is pertinent to mention that at all times, he alongwith a team of the doctors of the hospital attended to the patient with the utmost care and diligence. The patient was immediately attended to by him whenever the primary team treating the patient communicated any issues or urgency. It is stated that he alongwith the hospital’s neurosurgery team was attentive and responded in a timely manner, as and when requested by the primary treating team. It is further stated that he treated the patient holistically, in consultation with eminent clinicians and experts across various fields of medicine. Further, the relatives of the patient, including the complainant were continually informed and counselled about the status of the patient and the treatments being given. He denies that he is a conceited, adamant and a greedy doctor. He did not holding any grudge against the complainant or his wife since the day of RTA admission on 07.08.2018. It is pertinent to mention here that the complainant brought his wife for the treatment to the hospital on various occasions after she was discharged on 13.08.2018. He states that more tests of the patient were required to be done only for the betterment of the patient and not for increasing the amount of bills of the hospital as contended by the complainant. The complainant created a ruckus at the hospital and took away the patient without letting the hospital conduct the required tests. It is further stated neither him nor the hospital is responsible for the treatment of the patient done by a hospital not being Venkateshwar Hospital. It is denied that he showed no interest and expressed any annoyance towards the complainant.

He never harassed the complainant or the patient in any manner whatsoever. He denies that he holds any personal grudges against the complainant. He did not at any time during the ongoing treatment of the patient abandon his duties due to egotism. It is absolutely denied that the patient expired due to atrocities or personal grudges of him. It is stated that patients suffering from seizures are generally administered heavy doses of anti-convulsants in order to control the seizures especially that result from the brain metastases and subsequent Radiation therapy. It is submitted that the he is a renowned doctor who exercised due care and caution and adhered to the standard medical practises while treating the patient. It is further pertinent to mention that such wild baseless accusations are being made despite the fact that the complainant has no expertise in the aforementioned fields, nor has the complainant approached any medical practitioner to substantiate his (the complainant) allegations of medical negligence that actively contributed to the untimely death of the patient. It is vehemently denied that he being a reputed doctor in the hospital would provide papers without the hospital’s official seal or signatures of authorised medical practitioners. It is submitted that the surgical intensive care Unit (SICU) has limited visiting hours, which is a standard medical practice. The SICU is an isolated space for the patients with low immunity levels, who cannot be exposed to external factors that can cause transmission of any virus, bacteria and other such agents. It is further denied that he forced the patient to stay in SICU in order to extort hefty sums of money from the complainant. It is further denied that there is a shortage of staff at the hospital. It is submitted that the Hospital did not shift the patient to the general ward due to the condition of the patient. It is further pertinent to mention that the patients suffering from brain metastases, who have undergone radiation therapy for the same, have very low immunity level are easily susceptible to infections if not kept in proper care and isolation. It is submitted that the SICU of the hospital has the best medical facilities for uncompromised care from expert staff and medical examiners. It is further submitted that the expert team of medical practitioners at the hospital had constantly worked in the best interests of the patient and no ulterior motive can be imputed to their actions. He further submits that he never absented himself from duty and neither manipulated the hospital records nor charged a hefty bill, as alleged by the complainant in the complaint. It is pertinent to mention here that at all times it was he who attended the patient and he never asked the complainant to take advise from Dr. Sunil Kumar Gupta, as alleged by the complainant. Neither he nor any of the highly experienced medical practitioners of the hospital acted unethically and immorally while treating the patient.

Dr. Rahul Sharma, Consultant Neurosurgery and Dr. Chandan Kumar, Medical Superintendent, Venkateshwar Hospital reiterated the stand taken by Dr. Pushpender Sachdeva.

Smt. Gunjan Sinha, Chief Operating Officer, Venkateshwar Hospital in her written statement reiterated the stand taken by Dr. Pushpender Sachdeva.

In view of the above, the Disciplinary Committee makes the following observations :-

1. It is noted that the patient Smt. Meera Devi; 60 years old female, was admitted in Venkateshwar Hospital on 07th August, 2018. She was a known case of hypertension; diabetes mellitus on treatment, presented with alleged history of RTA (Road Traffic Accident) at around 08.30 p.m. on 06th August, 2018 near Kosli, Haryana when the car in which, the patient was travelling, hit the truck from backside. There was no history of loss of consciousness. The patient complained of pain in chest and both shoulders. She had past history of hysterectomy ten years back, known case of hypertension, diabetes mellitus on treatment, diabetic retinopathy two years back, for which, laser ablation was done. The patient was admitted in the hospital with above mentioned complaints. All routine investigations were done. NCCT head done on 07th August, 2018 showed multiple SOL in brain? Metastases. NCCT cervical spine done on 07th August, 2018 showed no fracture. USG whole abdomen done on 07th August, 2018 showed an ill-defined hpoechoic area in the liver, suggestive of focal fat sparring?? liver injury, cholelithiasis. The patient was managed conservatively with IV fluids, IV antibiotics, IV analgesic, IV anticonvulsants and other supportive treatment. In view of diabetes mellitus and hypertension, internal medicine reference was taken with Dr. Ashish Khattar and advice followed. X-rays both arms showed bilateral humerus fracture. Orthopaedics reference was taken with Dr. R K Pandey for bilateral humerus fracture and advice surgery after stabilization. The general surgery reference was also taken with Dr. Ashish Sadana and managed as per advice. CECT chest and abdomen were also done on 07th August, 2018 which showed Multiple right axillary lymph nodes measuring up to 13 mm, III defined hypodense area in segment 5 of liver? focal fatty infiltration. GB : is distended. Lumen and walls were normal. The patient was managed as per general surgeon advice. MRI brain contrast done on 07th August, 2018 showed multiple SOL brain? metastases. Medical Oncology reference was taken for multiple SOL brain with Dr. Sunil Gupta and managed as per advice. The patient was advised PET CT, but the same could not be done on 09th August, 2018 because of high Blood Sugar level. After stabilization, the patient was shifted to Ward on 08th August, 2018. After PAC clearance and informed consent, the patient underwent ORIF right humerus under GA (General Anaesthesia) on 08th August, 2018. The patient was shifted to Ward after surgery on 09th August, 2018. The patient was managed with IV fluids, IV analgesics, anticonvulsants, IV antibiotics and other supportive treatment. The patient also underwent ORIF left humerus under GA on 10th August, 2018. Post-operative period was uneventful. The patient was shifted to Ward after surgery on 10th August, 2018. Regular physiotherapy was done and the patient was mobilized on wheelchair. The patient gradually improved and was discharged in stable condition on 13th August, 2018 on medication with advice to review in OPD.

Thereafter, the patient was second time admitted in the said Hospital on 19th January, 2019 with chief complaints of pain in abdomen for three days, history of fever off and on. The patient was noted to have been a case of metastatic, CA breast with brain metastasis; has received radiotherapy to the brain recently. The patient was diagnosed as case of gangrenous cholecystitis, CA breast with brain metastasis. The patient underwent laparoscopic drainage of abscess + Lap cholecystectomy under GA on 25th January, 2019. The surgery was uneventful and she was discharged on 28th January, 2019. However, on same day, the patient again had to be readmitted with complaints of seizure. CT brain done on 28th January, 2019 showed findings suggest the likely possibility of cystic metastases with perilesional edema in left frontal lobe region. MRI brain contrast done on 29th January, 2019 showed follow-up case of Ca breast with brain mets/post radiotherapy showing evidence of two peripherally enhancing lesions in left frontal region with surrounding gliosis/edema. USG whole abdomen done on 29th January, 2019 showed Gall bladder not visualised (Post cholecystectomy status). Mild free fluid was seen in the gall bladder fossa? Post procedure changes. GI surgery reference was taken and advised followed. In view of recurrent seizures, neurosurgery reference was taken and advised followed. Internal Medicine reference was taken for blood sugar and advised followed. Prognosis was explained to the family members. The case was discussed in tumour board. Time to time pros and cons of the treatment were explained to the family members. CT whole abdomen done on 02nd February, 2019 showed follow up case of Cholecystectomy. Drainage tube was noted in situ. Fat stranding was noted in subhepatic space. No sizable intra-abdominal collection was noted. Bilateral basal subsegmental atelectasis. EEG done on 02nd February, 2019 showed Abnormal Awake EEG record showing - Generalized background slowing. 2D echo done on 31st January, 2019 showed poor echo window, No LV RWMA, LA dilation, Trace TR, RVSP (38 mmHg), LVEF 55%. The patient was managed with IV fluids, IV antibiotics and other supportive treatment. The patient stopped responding to deep painful stimulus and did not show any improvement with ongoing treatment. Likely outcomes was explained to the family in details, so, they wanted to take her home for best supportive care, thus, she was discharged on request on 08th February, 2019. The patient subsequently expired on 18th February, 2019.

2) It is observed that the NCCT head done on 07th August, 2018 was suggestive of multiple SOL in brain ? Metastases, for which, the medical oncologist consultation was sought. Infact, the patient was advised PET CT, but the attendants refused.

Infact, by the time of second admission i.e. 19th January, 2019, the patient had been diagnosed as a case of metastatic CA breast with brain metastasis having received radiotherapy to the brain. She also developed gangrenous cholecystitis, which required surgery. The patient’s convulsion with encephalopathy was also in all likelihood induced due to her various morbidities. She was treated by multidisciplinary team which included neurosurgery. GI Surgery, oncologists, as per accepted professional practices in such cases.

1. The patient suffered from various co-morbidities which carried high mortality, inspite of adequate treatment.

In light of the observations made herein-above, it is the decision of the Disciplinary Committee that no medical negligence can be attributed on the part of Dr. Pushpender Sachdeva and associated medical team of Venkateshwar Hospital, in the treatment administered to the complainant’s wife Smt. Meera Devi.

Complaint stands disposed.

Sd/: Sd/: Sd/:

(Dr. Maneesh Singhal) (Dr. G.S. Grewal) (Dr. Daljit Singh)

Chairman, Delhi Medical Association, Expert Member

Disciplinary Committee Member, Disciplinary Committee

 Disciplinary Committee

The Order of the Disciplinary Committee dated 26th August, 2021 was confirmed by the Delhi Medical Council in its meeting held on 23rd September, 2021.

 By the Order & in the name of

 Delhi Medical Council

 (Dr. Girish Tyagi)

 Secretary

Copy to :-

1. Shri O.P. Swami, r/o- D-184, Shyam Vihar, PH-1, Main Road No. 06, Goyla Road Najafgarh, New Delhi-110043.
2. Dr. Pushpender Sachdeva, Through Medical Superintendent, Venkateshwar Hospital, Sector-18 A, Dwarka, New Delhi.
3. Medical Superintendent, Venkateshwar Hospital, Sector-18 A, Dwarka, New Delhi.
4. Sr. Consultant, Ethics Section, EMRB, National Medical Commission, Ethics & Medical Registration Board, Pocket-14, Sector-8 Dwarka, Phase-1, New Delhi-110077-w.r.t. letter No.NMC/MCI/EMRB/C-12011/0073/2021/ETHICS/010691 dated 01-07-2021-**for information**.
5. S.H.O. Police Station Dwarka North, New Delhi-w.r.t. letter No.2229/SHO/Dwarka North, DWD, Sector-17, Dwarka, New Delhi, Dated 14-09-2019-**for information**.

 (Dr. Girish Tyagi)

 Secretary