DMC/DC/F.14/Comp.2891/2/2021 ­ 17th November, 2021

**O R D E R**

The Delhi Medical Council through its Executive Committee examined a complaint of Shri Shailesh Jain, 76, Nimri Colony, Ashok Vihar, Phase IV, Delhi-110052, alleging medical negligence on the part of doctors of Saroj Medical Institute, Jail Road, Delhi and Saroj Hospital, Madhubhan Chowk, Delhi, in the treatment administered to complainant’s father Shri Gianendra Jain.

The Order of the Executive Committee dated 08th October, 2021 is reproduced herein below:-

“The Executive Committee of the Delhi Medical Council examined a complaint of Shri Shailesh Jain, 76, Nimri Colony, Ashok Vihar, Phase IV, Delhi-110052, alleging medical negligence on the part of doctors of Saroj Medical Institute, Jail Road, Delhi and Saroj Hospital, Madhubhan Chowk, Delhi, in the treatment administered to complainant’s father Shri Gianendra Jain(referred hereinafter as the patient).

The Executive Committee perused the complaint, written statement of Dr. Dhiraj Malik, Medical Superintendent, Saroj Medical Institute, Jail Road, Rohini, Delhi, enclosing therewith written statement of Dr. Greesh Manwani, Dr. Ashutosh Gupta, written statement of Dr. Kiran Chawla, Dy. G.M. Medical Operation, Saroj Super Speciality Hospital, Madhuban Chowk, Delhi, copy of medical records of Saroj Hospital and other documents on record.

It is noted that as per the complaint it is averred that complainant’s father Shri Gianendra Kumar Jain, victim of medical negligence at Saroj Medical Institute and Saroj Super Speciality Hospital, Delhi was struggling to survive, life has been made hell and it has become difficult for him to lead normal life because the Neurologist Dr. Ashutosh Gupta who was supervising his condition in Saroj Medical Institute Jail Road, Delhi went for leave without making any prior arrangement to look after the patient and no neurologist doctor having knowledge to attend the suffering of his father was deputed by the hospital to look after his ailment in absence of Dr. Ashutosh Gupta. On 22nd June 2019 in the evening, seeing not attended his father by any Doctor during the day, he enquired at the reception office of Saroj Medical Institute and complained negligence, carelessness in not looking into the suffering suffered by his father, which deteriorated his condition. He was made to contact Dr. Sunil Batra, Medical Superintendent, by the reception and he informed him about the negligence and also lack of care in attending to his father. He requested him to immediately depute Neurologist doctor to look into the matter. No Neurologist was deputed and it was revealed by Dr. Sunil Batra that Dr. Ashutosh Gupta is on leave without making any prior arrangement to look after the patient. When he repeatedly requested to depute some other neurology doctor, he was asked to take the patient away to any other hospital. Keeping in view the condition, the proposal to shift to some other hospital could not be acceded too and his family, therefore contacted Dr. Greesh Manwani who was holding charge of the patient and informed them that patient has suffered seizure, the condition will become worst and anything can happen even loss of life, therefore, patient was shifted from this hospital Jail Road to hospital at Madhuban Chowk, Rohini Delhi. At 11pm on 22nd June, 2019 where he was informed by Dr. Greesh Manwani that his job is over as it relates to neurology and case will be transferred to Neurology ICU team. The fact about patient seizures on 22nd June was also not informed to them during the course of the day as his family was waited impatiently in waiting area for any inputs from neurology doctor. Patient was kept on Neurology ICU of Saroj Hospital but no neurology team was assigned to take control of the file of the patient and no reason was given for the same, after their enquiry. He was made to settle in between the doctors with no result. The neurology doctor passed it to MD Dr. Greesh Manwani and MD passed it to Neurology Dr. Jaideep Bansal. Patient also suffered bed sore during such short duration of hospitalization and his signature was obtained post dated. They were forcefully made to sign different hand written notes in the name of hospital formalities. The attended circumstances show that there was complete negligence, carelessness on the part of the hospital/doctors. They were forced to take his father from the hospital without curing his ailment to some other hospital. They were made to suffer mentally, financially and have to stand day and night. It is therefore, requested to look into the matter, investigate the circumstances as he reported which has led to bad condition of the patient, who was admitted only for not passing of stools form three days. After admission his condition deteriorated but till date they are in dark to know the circumstances which made the life of the patient be hell in their hospital. He may be informed about the reasons and the circumstances at the earliest as no one in the hospital was ready to give reasons for such carelessness and negligence.

Dr. Green Manwani in his written statement averred that the patient Shri Gianendra Kumar Jain 65 years old male was admitted under care of Dr. Sunil Batra (MS General Surgery) on 13.06.2019 2.36am with complaint of pain abdomen, not passing stool and flatus for 3 days. There was past history of parkinsonism on treatment. No history of diabetes, HTN, COAD, CKD, CAD or any other chronic illness. Patient was examined and investigated by surgeon and diagnosed him as a case of sub-acute intestinal obstruction with medical ailments that is Parkinsonism. In the of morning of 15.06.2019 patient was referred to him, he examined the patient and same treatment was continued which he was taking i.e. syndopa and Travistal LA treatment of parkinsonism. In the morning of 19.06.2019 patient had generalized tonic-clonic seizure. Patient was shifted to ICU and NCCT head, MRI, EEG, HBC, LFT, KFT were advised, inj. Fosolin was started and inj. Metrogyl was stopped, reference was given to neurologist. NCCT head report dated 19.06.2019 showed mild diffuse hypodencities is seen involving periventicular white matter predominantly in frontoparietal regions suggestive of chronic ischemic/demyelination changes rest of the cerebral parenchyma shows normal attenuation. EEG dated 19.06.2019 record is suggestive of diffuse cerebral dysfunction. On the same day neurologist saw the case and advised some investigation and treatment which was followed. He explained the prognosis of disease to the attendant and he regularly saw the patient and treated. On 22.06.2019 Dr. Ashutosh Gupta went on leave. Neurologically there was no deterioration and there was no fresh episode of seizures. On the same day, patient was shifted to Saroj Super Speciality Hospital, Sector-14, Rohini Delhi and was transferred to his unit on 23.06.2019. He continued managing the patient and involved neurologist. He saw the patient and patient was suffering with septic/metabolic encephalopathy. He advised contrast enhanced MRI brain, serum CPK, serum ammonia level, EEG, optic fundus examination, CSF examination. He revised the treatment. All his instructions were followed and carried out. CEMRI brain report was showing generalized neurology parenchymal atrophy, significant for age. Considering the possibility of neurodegenerative disorder, Optic fundus examination done by ophthalmologist, which was normal. Lumbar puncture was done. CSF examination was normal. He regularly explained the condition of patient and prognosis to the attendant in writing also. Patient was regularly seen by Neurologist and they explained the prognosis of patient to his attendant regularly. General physiotherapy, chest exercises, change of posture etc. were done by physiotherapist and sisters. Patient was kept on air bed and daily back care and general care with nutritional support and change of posture done by nursing sister sincerely and regularly. Pulmonologist was involved who saw the patient for chest infection and his advice was carried out. Gastroenterologist was involved who examined the patient for raised serum ammonia level and his advice for investigation and treatment was followed. Nephrologist was called for management of impaired KFT. He attended the patient and managed. Patient’s attendant demanded investigation reports till date and case summary of patient on 25.06.2019 and 30.06.2019 to have second opinion which was immediately provided. Patient was regularly seen by him in coordination with neurologist, gastroenterologist, chest specialist, nephrologists surgeon and intensivist. Patient was discharged on 02.07.2019 and referred to higher centre.

It is further averred in reply to allegation of complainant that Dr. Ashutosh Gupta neurologist went on leave and patient was transferred to Saroj Super Speciality Hospital that till 22.06.2019, he was not holding charge of patient but he was attending the patient as and when he was called by Dr. Sunil Batra who was incharge of patient. Despite that, when attendant called him on the night of 22.06.2019 he has attended the call of patient immediately and explained the patient’s condition. Patient had seizure on 19.06.2019, after that there was no seizures and there was no neurological emergency. Patient was shifted on 22.06.2019 in Saroj Super Speciality Hospital and under his care. He called neurologist and he attended the patient and managed on standard protocol. Nursing staff of Saroj Super Speciality Hospital took due care to prevent bed sores on the way of putting patient on air bed, frequent change of posture and patient was given nutritional support and physiotherapist services too. But even then patient developed small bed sore on 29.06.2019 which unfortunately may develop in such patients who are bed ridden. Patient attendant is well educated person and no one can force him to sign on different hand written notes, he has signed only daily prognosis notes after explaining the condition of patient. Patient’s attendant himself admitted in his complaint letter that Dr. Greesh Manwani informed him about the serious condition of his father and about the seizures. This shows he was well informed about his father’s condition. Moreover, he has demanded the case summary of his father’s treatment with all investigations report to have second opinion on 25.06.2019 and 30.06.2019 which was provided to him. Parkinsonism is a chronic disorder which can be controlled on medicine but cannot be cured. So patient was discharged and referred to higher centre for further management.

Dr. Ashutosh Gupta in his written statement averred that the patient was admitted in Saroj Medical Institute on 13.06.2019 under care Dr. Sunil Batra and he was supervising his co morbid neurological ailments, on call, in the capacity of visiting neurology consultant. He had some urgent work during the period from 22.06.2019 to 26.06.2019, which was communicated to the Saroj Medical Institute and a circular was issued regarding the same on 17.06.2019, well in advance for information of all concerned. He proceeded on the planned leave from 22.06.2019 for the above said period.

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

1. As per the records available the patient Shri Gianendra Kumar Jain 65 years old Male was admitted to Saroj Hospital on 13.06.2019 and discharged on 2.07.2019 with diagnosis of acute abdomen (SAIO), septicemia, parkinsonism and metabolic/septic Encephalopathy and seizures. Same relevant details are:-

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| --- | --- | --- | --- |
| Sr CPk | Dated 26.06.2019  1287 | Dated 27.06.2019  700 | Dated 28.06.2019  502 |
| Sr Sodium | Dated 20.06.2019  147 | Dated 25.06.2019  152 | Dated 27.06.2019  147 |
| TLC | Dated 25.06.2019  12460 | Dated 27.06.2019  15150 |  |
| Sr. Creat. | Dated 13.06.2019  1.1mgl | Dated 16.06.2019  2.1 mgl | Dated 18.06.2019  1.4 mgl |

Patient was subsequently admitted to Pratiksha Hospital on 2.07.2018 till 10.07.2019 with the same diagnosis. Patient had further admissions with same diagnosis of Parkinsonism, SAIO, Sepsis with septic encephalopathy, to Deep Chand Bandhu Hospital, Delhi on 18.07.2019 and discharged on 20.07.2019 and then on 10.08.2019 to 16.08.2019.

1. The contention that Dr. Greesh Manwani is not qualified seems unfounded as he is registered with the Delhi Medical Council with Post Graduate qualification in MD (Medicine).
2. It is noted that as per the circular date 17.06.2019 issued by Medical Superintendent Saroj Medial Institute Dr. Ashutosh Gupta was to be on leave from 22.06.2019 to 26.06.2019. On 22.06.2019 when Dr. Ashutosh Gupta proceeded on leave patient was managed by Dr. Greesh Manwani in coordination with other specialists.
3. The patient was examined, investigated and treated as per accepted professional practices in such cases.

In light of the observations made herein-above, it is the decision of the Executive Committee that no medical negligence can be attributed on the part of doctors of Saroj Medical Institute, Jail Road, Delhi and Saroj Hospital, Madhubhan Chowk, Delhi, in the treatment administered to complainant’s father Shri Gianendra Jain.

Complaint stands disposed. “

Sd/: Sd/: Sd/:

(Dr. Arun Kumar Gupta) (Dr. Saudan Singh) (Dr. Ashwini Dalmiya)

Chairman, Member, Member,

Executive Committee Executive Committee Executive Committee

Sd/:

(Dr. Anupam Prakash) Expert Member

Executive Committee

The Order of the Executive Committee dated 08th October, 2021 was confirmed by the Delhi Medical Council in its meeting held on 02nd November, 2021.

By the Order & in the name of Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to:

1. Shri Shailesh Jain, 76, Nimri Colony, Ashok Vihar, Phase IV, Delhi-110052.
2. Medical Superintendent, Saroj Hospital, Madhuban Chowk, Rohini, Delhi-110085.
3. Medical Superintendent, Saroj Medical Institute, Plot No.09, Pocket-8-B, Sector-19, Jail Road, Rohini, Delhi-110089.

(Dr. Girish Tyagi)

Secretary